

## 2009 Sex Offender Legislation August 2009

### [AB 17\(Swanson\)](#) Human trafficking. (A-07/23/2009 [html](#) [pdf](#))

**Status:** 07/23/2009-From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (July 14). Read second time, amended, and re-referred to Com. on APPR.

**Location:** 07/23/2009-S APPR.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Calendar:** 08/24/09 11 a.m. - John L. Burton Hearing Room (4203) SEN APPROPRIATIONS

**Summary:** Existing law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property acquired through a pattern of criminal profiteering activity and for the forfeiture of the proceeds of a pattern of criminal profiteering activity, as specified, and requires the prosecution to file a petition for forfeiture in conjunction with certain criminal charges. Under existing law, criminal profiteering activity is defined to include specified crimes. This bill would include abduction or procurement by fraudulent inducement for prostitution within the definition of criminal profiteering activity, as specified. This bill contains other related provisions and other existing laws.

### [AB 595\(Adams\)](#) Placement of children: criminal background checks. (E-08/17/2009 [html](#) [pdf](#))

**Status:** 08/17/2009-In Assembly. To enrollment.

**Location:** 08/17/2009-A ENROLLMENT

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including foster family homes and foster family agencies, by the State Department of Social Services. Violation of these provisions is a misdemeanor. This bill would prohibit the State Department of Social Services or other approving authority from issuing a license or certificate of approval to any foster family home or certified family home applicant who has not obtained both a California and Federal Bureau of Investigation criminal record clearance or an exemption from disqualification, as prescribed. This bill contains other related provisions and other existing laws.

### [AB 1017\(Portantino\)](#) Sexual assault crimes. (A-07/23/2009 [html](#) [pdf](#))

**Status:** 08/17/2009-From APPR.: To APPR. SUSPENSE FILE.

**Location:** 08/18/2009-S APPR. SUSPENSE FILE

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law, the Sexual Assault Victims' DNA Bill of Rights, authorizes a law enforcement agency investigating certain felony sex offenses, upon the request of the victim, and subject to the commitment of resources, to inform the victim whether or not a DNA profile was obtained from the testing of the rape kit evidence or other crime scene evidence from the case, whether or not that information has been entered into the Department of Justice Data Bank of case evidence, and whether or not there is a match between the DNA profile developed from the

rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, as specified. Existing law also requires that the victim be given written notification by the law enforcement agency if the law enforcement agency elects not to perform DNA testing of the rape kit evidence or other crime scene evidence, or intends to destroy or dispose of the rape kit evidence or other crime scene evidence prior to the expiration of the statute of limitations, as specified. Existing law provides that the sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under the Sexual Assault Victims' DNA Bill of Rights is standing to file a writ of mandamus to require compliance with these notification provisions. This bill would require local law enforcement agencies responsible for taking or processing rape kit evidence to annually report information pertaining to the number of rape kits received, tested, and destroyed, to the Department of Justice, as specified. The reports received would be subject to inspection under the California Public Records Act. These provisions would become inoperative on July 1, 2015, and would be repealed on January 1, 2016. This bill contains other related provisions and other existing laws.

**[SB 174\(Strickland\)](#) Public safety and welfare. (C-08/06/2009 [html](#) [pdf](#))**

**Status:** 08/06/2009-Chaptered by Secretary of State - Chapter No. 35, Statutes of 2009

**Location:** 08/06/2009-S CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides that a person shall not engage in specified transactions relating to explosives without having received a permit from the appropriate issuing authority. Existing law forbids the authority to inquire with the Department of Justice for a determination of whether the applicant meets specified criteria and should be granted or denied a permit. Existing law forbids the department to disclose the contents of a person's records to any unauthorized person. This bill would provide that if an applicant becomes ineligible to hold a permit, the Department of Justice shall provide to the issuing authority any subsequent arrest and conviction information supporting that ineligibility. This bill contains other related provisions and other existing laws.

**[SB 325\(Alquist\)](#) Sex offenders: assessments. (E-08/18/2009 [html](#) [pdf](#))**

**Status:** 08/17/2009-Senate concurs in Assembly amendments. (Ayes 35. Noes 0.) To enrollment.

**Location:** 08/17/2009-S ENROLLMENT

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law requires every person required to register as a sex offender to be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). Existing law establishes the SARATSO Review Committee, which consists of representatives of the State Department of Mental Health, the Department of Corrections and Rehabilitation, and the Attorney General, and is staffed by the State Department of Mental Health. Existing law directs the committee to ensure that the SARATSO reflects the most reliable, objective, and well-established protocols for predicting sex offender risk of recidivism, has been scientifically validated and cross validated, and is widely accepted by the courts. Existing law also requires the SARATSO Training Committee to develop a training program for persons authorized to perform the risk assessments. Under existing law, this training is required to be conducted by experts in the field of risk assessment and the use of actuarial instruments in predicting sex offender risk. This bill would instead provide for the SARATSO Review Committee to be staffed by the Department of Corrections and Rehabilitation. The bill would provide a protocol for an agency that scores the SARATSO and believes that a score does not represent the person's true risk level to submit the case to certain experts for possible override. This bill contains other related provisions and other existing laws.

**[SB 583](#)([Hollingsworth](#)) **Sex offenders.** (C-08/06/2009 [html](#) [pdf](#))**

**Status:** 08/06/2009-Chaptered by Secretary of State - Chapter No. 55, Statutes of 2009

**Location:** 08/06/2009-S CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law requires the Department of Justice to make available to the public via an Internet Web site certain information relating to certain registered sex offenders, including the address at which the person resides, as specified. This bill would, commencing January 1, 2012, require the department to record each address at which a registered sex offender resides with a unique identifier that shall include the nature of the dwelling, as specified. This bill would also require, commencing January 1, 2012, the department to maintain those classifications within the database maintained for sex offender registrations and to provide that information to other state agencies, including the State Department of Social Services, when those agencies need the information for law enforcement purposes relating to investigative responsibilities relative to sex offenders.

**[SB 588](#)([Committee on Public Safety](#)) **Sex Offender Management Board.** (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 07/08/2009-Set, first hearing. Referred to APPR. suspense file.

**Location:** 07/08/2009-A APPR. SUSPENSE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. Existing law requires the board to conduct a thorough assessment of current management practices for adult sex offenders and to submit a report to the Legislature on that assessment. Under existing law, the board is also required to develop recommendations to improve management practices for those offenders, as specified, and the provisions creating the board remain effective only until January 1, 2010. This bill would delete the repeal date of January 1, 2010, thereby making those provisions operative indefinitely.

**[SB 668](#)([Hollingsworth](#)) **Sex offenders.** (C-08/06/2009 [html](#) [pdf](#))**

**Status:** 08/06/2009-Chaptered by Secretary of State - Chapter No. 60, Statutes of 2009

**Location:** 08/06/2009-S CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California, and requires preregistration and reregistration, as specified. Existing law also provides that the failure to provide information required on registration and reregistration forms of the Department of Justice, or the provision of false information, is punishable by imprisonment in a county jail not to exceed one year. This bill would provide that nothing in the latter provision shall be construed to limit or prevent prosecution under any applicable provision of law.

**SB 669(Hollingsworth) Sexually violent predators.** (C-08/06/2009 [html](#) [pdf](#))

**Status:** 08/06/2009-Chaptered by Secretary of State - Chapter No. 61, Statutes of 2009

**Location:** 08/06/2009-S CHAPTERED

2YR/Dead												
1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered	

**Summary:** Existing law provides that the Director of Mental Health shall provide each person who is committed as a sexually violent predator with an annual written report which shall include consideration of whether the committed person currently meets the definition of a sexually violent predator and whether conditional or unconditional release is in the best interests of the committed person and the community, as specified. This bill would require that, at the hearing on the issue of whether the committed person should be conditionally released or unconditionally discharged, where the person's failure to participate in or complete treatment is relied upon as proof that the person's condition has not changed, and there is evidence that supports that reliance, the jury be instructed that the committed person's failure to participate in or complete the State Department of Mental Health Sex Offender Commitment Program may, if proved, be considered evidence that his or her condition has not changed. This bill contains other existing laws.

# Dead / 2Year Bills

[AB 16\(Swanson\)](#) Human trafficking. (A-04/14/2009 [html](#) [pdf](#))

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/28/2009)

**Location:** 06/08/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Under existing law, including the Three Strikes Law, a person who is convicted of or who has a prior conviction for a serious or violent felony, is subject to additional years of imprisonment in the state prison, as specified. This bill would include within the definition of a serious and a violent felony the crime of human trafficking . This bill contains other related provisions and other existing laws.

[AB 61\(Nava\)](#) Juvenile crime: deferred entry of judgment. (A-06/15/2009 [html](#) [pdf](#))

**Status:** 06/23/2009-In committee: Set first hearing. Failed passage. Reconsideration granted.

**Location:** 06/23/2009-S PUB. S.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law, enacted by initiative statute, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment. These provisions apply whenever a case is before the juvenile court for a determination of whether the minor is within the jurisdiction of the juvenile court because of the commission of a felony offense, and the minor meets other eligibility criteria, including that the offense charged is not one of an enumerated list of offenses for which a minor 14 years of age or older may be found unfit for treatment in juvenile court and prosecuted under the general law in a court of criminal jurisdiction. The initiative statute provides that any amendment of its provisions requires a 2/3 vote of the membership of each house of the Legislature. This bill would list additional sexual offenses for which a minor charged with the commission thereof would become ineligible for a deferred entry of judgment pursuant to these provisions. By changing the punishment for a crime, the bill would impose a state-mandated local program. Because the bill would amend an initiative statute, it would require a 2/3 vote. This bill contains other related provisions and other existing laws.

[AB 168\(Nava\)](#) Juvenile case files: sexually violent predator proceedings. (A-04/14/2009 [html](#) [pdf](#))

**Status:** 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)

**Location:** 06/02/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides for sentencing enhancements on the basis of prior felony convictions, which are defined to include certain offenses adjudicated before the juvenile court. However, existing law generally provides for the confidentiality of juvenile records, reports, and related information. Those records may be sealed and eventually destroyed, unless the subject of the record was found to be a ward of the court because of the commission of specified felony

offenses committed when he or she was 14 years of age or older. Certain persons, including law enforcement personnel who are actively participating in criminal or juvenile proceedings involving a minor, may inspect those records and reports concerning that minor, but those persons may not disseminate the records or reports, or related information, without the prior approval of the presiding judge of the juvenile court, except as specified. This bill would authorize, in any investigation, action, or proceeding based on the sexually violent predator laws, a court, upon a showing of good cause, to permit the Department of Corrections and Rehabilitation, the State Department of Mental Health, and the attorney petitioning for commitment, or their agents, to obtain and use records that have been sealed, that are relevant to the civil commitment proceeding as determined by the court, in camera, and pertaining to sustained petitions for specified sexually violent offenses that were committed when the person had attained 14 years of age or older. The bill also would authorize, in any civil commitment proceeding based on the sexually violent predator laws, the court, counsel for the parties, any jury, and any other person authorized by the court, to obtain and use the records. The bill would provide that the records would remain confidential, as specified. This bill contains other existing laws.

**[AB 307\(Cook\)](#) Sex offenders: ice cream truck operation. (A-06/24/2009 [html](#) [pdf](#))**

**Status:** 07/14/2009-From PUB. S.: Failed passage Reconsideration granted.

**Location:** 07/14/2009-S PUB. S.

[Redacted]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law requires persons convicted of specified sex offenses to register with local law enforcement authorities and update that registration, as specified. A willful violation of these registration requirements is punishable as a misdemeanor or as a felony, as specified. Existing law requires that persons who are subject to registration be informed of their duty to register upon release from incarceration or confinement in a hospital, as specified. This bill would make it a misdemeanor for any person who is required to register as a sex offender because of a conviction for a crime in which the victim was under 16 years of age to engage in ice cream truck vending, as defined . Because the bill would create a new crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[AB 383\(Lieu\)](#) Criminal procedure: DNA evidence. (I-02/23/2009 [html](#) [pdf](#))**

**Status:** 06/11/2009-Referred to Com. on PUB. S.

**Location:** 06/11/2009-S PUB. S.

[Redacted]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law establishes limitations on the time for commencing criminal actions, with certain exceptions. Existing law provides for the tolling or extension of these time limitations, as specified. Existing law provides that regarding sex crimes and certain other crimes, as specified, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing if the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type not later than 2 years from the date of the offense. This bill would extend this limitation on the time period for analyzing biological evidence from 2 years to 5 years.

**[AB 505\(Furutani\)](#) Sex offenders: monitoring and housing. (A-04/13/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/14/2009)

**Location:** 05/01/2009-A 2 YEAR

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2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation, the purpose of which is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization, as specified. The provisions relating to the creation and regulation of the board are scheduled to remain effective only until January 1, 2010. This bill would delete the repeal date of January 1, 2010, thereby making the provisions relating to the Sex Offender Management Board operative indefinitely. The bill would require the Sex Offender Management Board to conduct a thorough assessment of (1) the increasing number of unmonitored transient adult sex offenders residing in California communities, and (2) the increasing clustering of the housing of adult sex offenders residing in California communities, and provide a report and plan with recommendations to the Legislature and the Governor, as specified.

**AB 552(Furutani) Sex offenders.** (A-06/23/2009 [html](#) [pdf](#))

**Status:** 06/25/2009-Re-referred to Com. on PUB. S.

**Location:** 06/25/2009-S PUB. S.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law, as amended by Proposition 83, adopted by the voters at the November 7, 2006, statewide general election, makes it unlawful for any person who is required to register with law enforcement pursuant to a specified provision of the Sex Offender Registration Act to reside within 2,000 feet of any public or private school, or park where children regularly gather. This bill would provide that this residency limitation applies regarding any public or private school including any or all of kindergarten and grades 1 to 12, inclusive. This bill would provide that the distance between the location where a registrant resides and a school or park, as specified, shall be measured property line to property line by the closest publicly accessible route. The initiative statute provides that any amendment of these provisions by the Legislature shall require a 2/3 vote of the membership of each house unless the amendment expands the scope of its application or increases the punishments or penalties in which case it may be amended by a statute passed by majority vote of each house. Because this bill would amend the initiative statute to limit the scope of its application, it would require a 2/3 vote.

**AB 575(Torres) Sex offenders: restrictions.** (I-02/25/2009 [html](#) [pdf](#))

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 03/12/2009)

**Location:** 05/01/2009-A 2 YEAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law makes it unlawful for a person who is required to register as a sex offender to reside within 2,000 feet of a public or private school, or park where children regularly gather. Existing law also provides that any person required to register as a sex offender who comes into any school building or upon any school ground without lawful business and written permission is guilty of a misdemeanor. This bill would make it a misdemeanor for a sex offender, except in limited instances, to be physically present and delay, linger, or idle about within 300 feet of a sensitive use site, as defined. For purposes of those provisions, a sensitive use site would include specified places where children gather, including arcades, bus stops, child care centers, children's retail stores, community centers, cultural centers, cyber cafes, health clubs providing childcare services, movie theaters, museums, sports centers, and schools. This bill contains other related provisions and other existing laws.

**[AB 862\(Knight\)](#) Sexual assault. (I-02/26/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/26/2009)

**Location:** 06/08/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law establishes various sexual assault offenses, including the offense of rape. This bill would make a technical, nonsubstantive change to the provisions establishing the offense of rape.

**[AB 997\(Krekorian\)](#) Sex offenders: licensed residential facilities: information. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/02/2009)

**Location:** 05/01/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law requires sex offenders to register in accordance with the procedures of the Sex Offender Registration Act. Existing law authorizes the Department of Justice to disclose sex offender information to government entities under specified circumstances. This bill would require the Department of Justice, the Department of Social Services, and the Department of Alcohol and Drug Programs to coordinate with one another to develop an approach that allows these departments to generate information identifying all sex offenders living in licensed residential, child care, or foster care facilities.

**[AB 1081\(Torrico\)](#) Electronic monitoring: domestic violence. (A-05/06/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/28/2009)

**Location:** 06/08/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law makes it either a misdemeanor or a felony for a person to violate restraining orders relating to domestic violence, as specified. This bill would require the court to order , prior to sentencing, the probation department to administer a risk assessment evaluation when a person is convicted of violating a restraining order . This bill would require the court to impose continuous electronic surveillance of the person using specified GPS technology if the court determines that the results of the risk assessment and any other relevant conditions merit the order , as specified . The bill would also require the defendant to pay for the costs of the monitoring if he or she is able and would require the court to impose a \$200 fee upon conviction, if the defendant is able to pay the fee, as specified. This bill contains other related provisions and other existing laws.

**[AB 1082\(Torrico\)](#) Sales and use taxes: Domestic Violence Prevention and Sexual Abuse Fund: Domestic Abuser Surveillance Fund. (A-04/15/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was HEALTH on 4/22/2009)

**Location:** 06/08/2009-A 2 YEAR

[REDACTED]												
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2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapered
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**Summary:** The Sales and Use Tax Law imposes a tax on the sale of or the storage, use, or other consumption of tangible personal property in this state at specified rates. This bill would, in addition, impose a tax on the sale of , or the storage, use, or other consumption of, tangible personal property that is harmful matter, as defined, in this state at a rate of 12 %. This bill would create the Domestic Violence and Sexual Abuse Prevention Fund and the Domestic Abuser Surveillance Fund and would require that all revenues, less refunds, derived from the 12% tax be transferred to each fund in a specified percentage . This bill would continuously appropriate all of the money in the Domestic Violence and Sexual Abuse Prevention Fund to the State Department of Public Health and the California Emergency Management Agency for programs preventing domestic violence and assisting victims of sexual assault , sexual crimes, and domestic violence, and in the Domestic Abuser Surveillance Fund to the Department of Corrections and Rehabilitation to fund a system for the electronic surveillance of domestic abusers and stalkers. This bill contains other related provisions.

**[AB 1170\(Calderon, Charles\)](#) Registered sex offenders: rental housing: consumer information booklet. (A-04/15/2009 [html](#) [pdf](#))**

**Status:** 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)

**Location:** 06/02/2009-A 2 YEAR

												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapered

**Summary:** Existing law requires a person who has been convicted of specified crimes to register as a sex offender and establishes the procedures for registration. Existing law also requires leases and rental agreements for residential real property to contain a notice regarding information about specified registered sex offenders made available to the public via an Internet Web site maintained by the Department of Justice. This bill would require the Department of Justice to make available to the public a consumer information booklet providing federal and state law regarding sex offender registration as it relates to the lease or rental of real property and would require the department to consult with the Department of Consumer Affairs and other interested organizations in developing the consumer information booklet . The bill would also provide that if the consumer information booklet is delivered to a prospective or current resident by the owner or owner's agent in connection with the lease or rental of residential real property, the owner or owner's agent is not required to provide additional information on this subject, as specified. This bill contains other related provisions.

**[AB 1247\(Adams\)](#) Sex offenders: housing. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/27/2009)

**Location:** 06/08/2009-A 2 YEAR

												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapered

**Summary:** Existing law, scheduled to be repealed on January 1, 2010, creates the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation, the purpose of which is to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, including the housing of sex offenders in the community, with a goal of safer communities and reduced victimization. This bill would make technical, nonsubstantive changes to these provisions.

**[AB 1261](#) ([Strickland, Audra](#)) **Child custody and visitation: registered sex offenders.** (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was JUD. on 3/31/2009)

**Location:** 06/08/2009-A 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides that no person shall be granted physical or legal custody of, or unsupervised visitation with, a child if the person is required to be registered as a sex offender under the Sex Offender Registration Act, if the victim was a minor, or if the person has been convicted under specified other criminal provisions, including injuring or molesting a child, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record. In addition, no person may be granted physical or legal custody of, or unsupervised visitation with, a child if anyone residing in the person's household is required, as a result of a felony conviction in which the victim was a minor, to be registered as a sex offender, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record. Existing law also provides that the child may not be placed in a home in which a person described above resides, nor permitted to have unsupervised visitation with that person, unless the court states the reasons for its findings in writing or on the record. Existing law authorizes, upon the motion of one or both parents, or the legal guardian or custodian, or upon the court's own motion, an order granting physical or legal custody of, or unsupervised visitation with, a child, to be modified or terminated if the circumstances described above have arisen, as specified, since the order was entered, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record. This bill would delete the court's discretion in the cases described above, thereby prohibiting the court from granting a person physical or legal custody of, or unsupervised visitation with, a child if the person is a registered sex offender or has been convicted of specified criminal offenses, and prohibiting the court from placing the child in a home in which that person resides. The bill would also make conforming changes.

**[SB 46](#) ([Alquist](#)) **Sex offenders: commencing trial: time.** (A-02/23/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/21/2009)

**Location:** 05/01/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides that the prosecution of an offense punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, or for the embezzlement of public money, may be commenced at any time. This bill would add specified sex offenses, including rape, sodomy, lewd or lascivious acts, oral copulation, continuous sexual abuse of a child, and acts of sexual penetration to the list of crimes for which there is no statute of limitation for prosecution.

**[SB 50](#) ([Corbett](#)) **Victims of sexual assault.** (A-05/28/2009 [html](#) [pdf](#))**

**Status:** 06/30/2009-Set, first hearing. Hearing canceled at the request of author.

**Location:** 06/18/2009-A PUB. S.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides that no costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault for the purposes of gathering evidence for possible prosecution shall be charged directly or

indirectly to the victim of the assault. The bill would delete the provisions giving that law enforcement agency the option of determining whether or not the examination will be performed in the office of a physician and surgeon. This bill contains other existing laws.

**[SB 203\(Harman\)](#) Child pornography: separate offense per child: Internet distribution. (A-04/16/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/28/2009)

**Location:** 05/01/2009-S 2 YEAR

[Redacted]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law includes provisions criminalizing conduct involving obscene matter and child pornography. In *People v. Hertzig* (2007) 156 Cal.App.4th 398, the court, in interpreting one of these, a child pornography possession provision, held that the possession of multiple video images on a laptop computer was a single violation. In *People v. Manfredi* (2008) 169 Cal.App.4th 622, the court, in interpreting the same provision, held that the defendant's simultaneous possession of multiple child pornography materials at the same location was a single violation. This bill would revise the provisions criminalizing conduct involving obscene matter and child pornography to provide that the depiction or involvement of each individual person pursuant to any of those provisions shall constitute a distinct and separate offense. The bill would state that it is the intent of the Legislature in enacting the bill to abrogate the holdings in the cases of *People v. Hertzig* and *People v. Manfredi*, cited above. This bill contains other related provisions and other existing laws.

**[SB 214\(Benoit\)](#) Sober living homes. (I-02/23/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HEALTH on 03/09/2009)

**Location:** 05/01/2009-S 2 YEAR

[Redacted]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults. This bill would provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members.

**[SB 268\(Harman\)](#) Alcoholism or drug abuse recovery or treatment facilities: licensing. (A-07/01/2009 [html](#) [pdf](#))**

**Status:** 07/08/2009-Set, first hearing. Failed passage in committee. Reconsideration granted.

**Location:** 07/07/2009-A HEALTH

[Redacted]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. Under existing law, an applicant for a license is required to submit to the department, among other things, a completed written application and an approved fire

clearance. This bill would require the application to include a certification that the proposed facility complies with local zoning or is a legal nonconforming use . It would also require the department to ensure that the license application contains a clear reference to statutory requirements under which a drug abuse recovery or treatment facility that serves 6 or fewer persons is considered a residential use of property. This bill contains other related provisions.

**[SB 496\(Maldonado\)](#) Real estate: sex offenders. (A-04/23/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/28/2009)

**Location:** 05/01/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** The Real Estate Law provides for the licensing and regulation of real estate salespersons and real estate brokers by the Real Estate Commissioner, and authorizes the commissioner to deny, revoke, or suspend a license for specified reasons. Existing law requires persons convicted of certain sex offenses to register as sex offenders, as specified. A violation of various provisions of the Real Estate Law is a crime. This bill would, with regard to an individual who is required to register as a sex offender, require the commissioner to deny an application for licensure, renewal, or reinstatement of, or to revoke, a license under the Real Estate Law, with specified exceptions. The bill would require an individual who is convicted of an offense that requires registration as a sex offender to notify the commissioner within 5 days of the imposition of sentence, with specified exceptions. The bill would allow an individual, under specified circumstances, to petition the superior court to hold a hearing in order for the court to determine whether the individual no longer poses a possible risk to the public, and would provide for the court to order the commissioner to restore the individual's license if it so finds. Because a failure to comply with this requirement would be a crime, the bill would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 504\(Runner\)](#) Sex offenders: monitoring by global positioning systems. (A-04/13/2009 [html](#) [pdf](#))**

**Status:** 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PUB. S. on 4/16/2009)

**Location:** 06/08/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law requires every inmate who has been convicted for any felony violation of a registerable sex offense or any attempt to commit one of those offenses who is committed to prison and released on parole, to be monitored by a global positioning system for life. This bill would allow the monitoring of these offenders by the local law enforcement agency with jurisdiction over the city, county, or city and county, in which these offenders reside and with which they are required to register. The bill would make other technical changes.

**[SB 564\(Hollingsworth\)](#) Sexually violent predators. (A-05/20/2009 [html](#) [pdf](#))**

**Status:** 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)

**Location:** 06/02/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides for the civil commitment of criminal offenders who have been determined to be sexually violent predators for treatment in a secure state hospital facility, as specified. Existing law also sets forth provisions governing the release of sexually violent predators from state custody. This bill would require sexually violent predators who are released into a forensic conditional release program after January 1, 2010, to be placed in a reentry facility administered by the State Department of Mental Health until suitable housing is found the bill would, however, preclude failure to be placed in a reentry facility from being grounds for preventing conditional release.

**[SB 566](#) (Hollingsworth) **Monitoring devices: unauthorized removal, disabling, or tampering.** (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/28/2009)

**Location:** 05/01/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law provides various programs of in-home detention and monitoring, and regulates conduct on parole, including requiring parolees to wear global positioning system (GPS) devices, as specified. This bill would make the unauthorized removal, disabling, or tampering with a GPS device affixed as a condition of a criminal court order, juvenile court disposition, parole, or probation a crime, punishable as specified. The bill would require the court, if applicable, to order restitution in an amount equivalent to the replacement cost of the electronic, GPS, or other monitoring device. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 584](#) (Hollingsworth) **Sex offenders: Internet access.** (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/28/2009)

**Location:** 05/01/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law, the Sex Offender Registration Act, requires persons who have been convicted of specified sex offenses to register with local law enforcement, as specified. Under existing law, failure to register is a crime. This bill would require any person who is required to register under the act for committing a crime where the trier of fact made a finding that a computer was used to facilitate the commission of the crime, to inform the registering agent as to whether or not he or she has access to a computer or other device with Internet capability. If the status of having access to a computer or other device changes, the person would be required to so inform the registering agency within 5 days. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 689](#) (Hollingsworth) **Sex offenders: sexually violent predators: monitoring information.** (A-04/13/2009 [html](#) [pdf](#))**

**Status:** 05/01/2009-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/28/2009)

**Location:** 05/01/2009-S 2 YEAR

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law, as amended by Proposition 83 of the November 7, 2006, statewide general election, requires every inmate who has been convicted of any felony violation of a registerable sex offense or an attempt to commit any of specified sex crimes, and who is committed to prison and released on parole, to be monitored by a global positioning system for life. This bill would require the Department of Justice to develop and implement a fully Web-enabled system to provide the public, via an Internet Web site, with monitoring and mapping information showing the actual, physical location in real time of sex offenders who have been declared sexually violent predators, as specified. This bill contains other related provisions and other existing laws.