

## 2009 Sex Offender Legislation March 2009

**AB 16(Swanson) Sex crimes: minor victims: punishment.** (I-12/01/2008 [html](#) [pdf](#))

**Status:** 02/05/2009-Referred to Com. on PUB. S.

**Location:** 02/05/2009-A PUB. S.

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

**Calendar:** 03/31/09 9 a.m. - Room 126 ASM PUBLIC SAFETY

**Summary:** Under existing law, any person who solicits or who agrees to engage in or who engages in any act of prostitution is guilty of a misdemeanor. This bill would make it a felony for any person to solicit another person who is under 18 years of age to engage in an act of prostitution in return for money or other consideration or to agree to give another person who is under 18 years of age money or other consideration in return for the other person committing an act of prostitution. Because this bill would increase the punishment for an existing crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**AB 17(Swanson) Prostitution: solicitation, pimping, and pandering.** (I-12/01/2008 [html](#) [pdf](#))

**Status:** 02/05/2009-Referred to Com. on PUB. S.

**Location:** 02/05/2009-A PUB. S.

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

**Calendar:** 03/31/09 9 a.m. - Room 126 ASM PUBLIC SAFETY

**Summary:** Under existing law, a person who is convicted of human trafficking where the victim is under 18 years of age is punishable by imprisonment in the state prison. A person convicted of soliciting or agreeing to engage in an act of prostitution is guilty of a misdemeanor, punishable by imprisonment in the county jail for up to 6 months and a fine of up to \$1,000. Under existing law, a person who is convicted of pimping, pandering, or procurement of a child under 16 years of age is guilty of a felony, punishable by imprisonment in the state prison and a fine of up to \$15,000. In addition, under existing law, the court may impose a fine of up to \$5,000 on a person convicted of pimping, pandering, or procuring a child under 16 years of age for any of those purposes, the proceeds of which are deposited into the Victim-Witness Assistance Fund, to be made available to child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. This bill would require a court to impose upon any person who solicits another person to engage in an act of prostitution in return for money or other consideration or who agrees to give another person money or other consideration in return for the other person committing an act of prostitution, in addition to any punishment prescribed or fine imposed under other applicable provisions, a fine of no less than \$250 and no more than \$2,500 per conviction, as determined by the court. The bill would also require a court to impose upon any person who is convicted of pimping, pandering, or procuring a child under 16 years of age, in addition to any other punishment prescribed, a fine of no less than \$2,500 and no more than \$250,000 per conviction, as determined by the court. In addition, this bill would authorize the court to impound any personal property used in the course of that unlawful conduct for a period of up to 60 days. If the person has previously been convicted of one of those offenses, the court would be authorized to order any personal property used in the course of committing the violation forfeited, pursuant to specified procedures. If real property is used in a violation of those provisions, the bill would apply

to that property existing provisions of law declaring property used for illegal purposes to be a nuisance. By imposing additional duties on local officials, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

**[AB 61\(Nava\)](#) Juvenile crime: deferred entry of judgment. (A-03/16/2009 [html](#) [pdf](#))**

**Status:** 03/17/2009-Re-referred to Com. on PUB. S.

**Location:** 03/17/2009-A PUB. S.

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

**Calendar:** 03/31/09 9 a.m. - Room 126 ASM PUBLIC SAFETY

**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-03/19/2009**

[html](#) [pdf](#))

**Status:** 03/23/2009-Re-referred to Com. on JUD.

**Location:** 03/23/2009-A JUD.

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

**Calendar:** 03/31/09 10 a.m. - Room 4202 ASM JUDICIARY

**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. This bill contains other existing laws.

**[AB 179\(Portantino\) Crime.](#)** (1-02/02/2009 [html](#) [pdf](#))

**Status:** 02/03/2009-From printer. May be heard in committee March 5.

**Location:** 02/02/2009-A PRINT

[REDACTED]												
Dead/2YR	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 any person who willfully and lewdly commits any lewd or lascivious act, upon or with the body, or any part or member thereof, of a child who is under 14 years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is punishable by imprisonment in the state prison for 3, 6, or 8 years. This bill would make technical, nonsubstantive changes to these provisions.

**[AB 307\(Cook\) Business licenses: ice cream truck operation.](#)** (A-03/23/2009 [html](#) [pdf](#))

**Status:** 03/24/2009-Re-referred to Com. on B. & P.

**Location:** 03/24/2009-A B. & P.

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

**Summary:** Existing law authorizes the legislative body of an incorporated city and the board of supervisors of a county to issue business licenses to persons to operate any kind of business not prohibited by law. This bill would prohibit a city or county from issuing a license to operate an ice cream truck, as defined, to any person who is required to register as a sex offender.

**[AB 575\(Torres\) Sex offenders: restrictions.](#)** (1-02/25/2009 [html](#) [pdf](#))

**Status:** 03/12/2009-Referred to Com. on PUB. S.

**Location:** 03/12/2009-A PUB. S.

[REDACTED]												
Dead/2YR	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 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.



obtained from the testing of the rape kit evidence or other crime scene evidence from their case, whether or not that information had 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. This bill would require a law enforcement agency, if it does not analyze the DNA evidence of an assailant of a sexual assault victim within 6 months of obtaining the rape kit evidence where the assailant's identity is an issue, to inform the victim of this fact. The bill would also require each law enforcement agency responsible for taking or processing rape kit evidence to annually report to the Department of Justice the total number of rape kits in its possession that it has not tested or analyzed, as specified. This bill contains other related provisions and other existing laws.

**[AB 1081\(Torrico\)](#) Electronic monitoring: criminal offenders. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/02/2009-Read first time.

**Location:** 02/27/2009-A PRINT

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

**Summary:** Existing law authorizes the Department of Corrections and Rehabilitation to use global positioning system technology to supervise persons on parole and authorizes county probation departments to use global positioning system technology to supervise persons on probation, as specified. Existing law also requires that every person who has been convicted of a registerable sex offense to be monitored by a global positioning system for the term of his or her parole, or for the duration or any remaining part thereof, whichever time period is less. This bill would declare the Legislature's intent to enact legislation to allow courts to order electronic surveillance for domestic abusers and stalkers under specified conditions.

**[AB 1170\(Calderon, Charles\)](#) Registered sex offenders: rental housing: consumer information booklet. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/02/2009-Read first time.

**Location:** 02/27/2009-A PRINT

[REDACTED]												
Dead/2YR	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 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 relating to sex offender registration as it relates to the lease or rental of real property. 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. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/02/2009-Read first time.

**Location:** 02/27/2009-A PRINT

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

**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:** 03/02/2009-Read first time.

**Location:** 02/27/2009-A PRINT

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Dead/2YR	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.

**[AB 1392\(Tran\)](#) Sex offenders: mentally disordered offenders. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/02/2009-Read first time.

**Location:** 02/27/2009-A PRINT

[REDACTED]												
Dead/2YR	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 specified persons who have been or are determined to be mentally disordered sex offenders, or persons who have been found guilty of a sex offense but found not guilty by reason of insanity at trial, to register in accordance with the Sex Offender Registration Act. This bill would make nonsubstantive changes to those provisions.

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

**Status:** 02/23/2009-From committee with author's amendments. Read second time. Amended.

Re-referred to Com. on PUB. S.

**Location:** 02/23/2009-S PUB. S.

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Dead/2YR	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-03/16/2009 [html](#) [pdf](#))**

**Status:** 03/16/2009-From committee with author's amendments. Read second time. Amended.

Re-referred to Com. on PUB. S.

**Location:** 03/16/2009-S PUB. S.

[REDACTED]												
Dead/2YR	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 forensic 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. This bill would provide that collection and retention of evidence gathered during the examination of a victim of sexual assault shall be the responsibility of the law enforcement agency requesting the examination, and would prohibit charging the victim of a sexual assault for the costs of medical treatment, as specified. This bill contains other related provisions and other existing laws.

**[SB 174\(Strickland\)](#) Public safety. (I-02/14/2009 [html](#) [pdf](#))**

**Status:** 03/17/2009-Set for hearing April 28.

**Location:** 03/09/2009-S PUB. S.

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

**Calendar:** 04/28/09 9:30 a.m. - John L. Burton Hearing Room (4203) SEN PUBLIC SAFETY

**Summary:** Existing law generally regulates public safety. This bill would make various technical and nonsubstantive changes to provisions related to, among other things, junk dealers, real estate fraud, sex offenders, and weapons.

**[SB 203\(Harman\)](#) Child pornography: separate offense per child: Internet distribution. (I-02/23/2009 [html](#) [pdf](#))**

**Status:** 03/09/2009-To Com. on PUB. S.

**Location:** 03/09/2009-S PUB. S.

[REDACTED]												
Dead/2YR	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. 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. This bill contains other related provisions and other existing laws.

**[SB 325\(Alquist\)](#) Sex offenders: assessments. (I-02/25/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-Set for hearing April 21.

**Location:** 03/09/2009-S PUB. S.

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

**Calendar:** 04/21/09 9:30 a.m. - John L. Burton Hearing Room (4203) SEN PUBLIC SAFETY

**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 and 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 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 496\(Maldonado\)](#) Real estate: sex offenders. (I-02/26/2009 [html](#) [pdf](#))**

**Status:** 03/12/2009-To Coms. on B., P. & E.D. and PUB. S.

**Location:** 03/12/2009-S B., P. & E.D.

[REDACTED]												
Dead/2YR	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. 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. (I-02/26/2009 [html](#) [pdf](#))**

**Status:** 03/12/2009-To Com. on RLS.

**Location:** 03/12/2009-S RLS.

[REDACTED]												
Dead/2YR	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 replace the term "inmate" as used above with "person."

**[SB 564\(Hollingsworth\)](#) Sexually violent predators. (I-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/12/2009-To Com. on RLS.

**Location:** 03/12/2009-S RLS.

[REDACTED]												
Dead/2YR	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, as specified. This bill would express the intent of the Legislature to enact legislation that would prohibit anyone ever declared a Sexually Violent Predator from registering as a transient pursuant to Megan's Law. The bill would further express the intent of the Legislature to enact legislation that would require these offenders be housed in a reentry facility.

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

**Status:** 03/12/2009-To Com. on PUB. S.

**Location:** 03/12/2009-S PUB. S.

[REDACTED]												
Dead/2YR	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. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-To Com. on PUB. S.

**Location:** 03/19/2009-S PUB. S.

Dead/2YR	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 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 588\(Committee on Public Safety\)](#) Sex Offender Management Board. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-To Com. on PUB. S. Set for hearing March 31.

**Location:** 03/19/2009-S PUB. S.

Dead/2YR	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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**Calendar:** 03/31/09 9:30 a.m. - John L. Burton Hearing Room (4203) SEN PUBLIC SAFETY

**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. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-To Com. on PUB. S. Set for hearing April 21.

**Location:** 03/19/2009-S PUB. S.

Dead/2YR	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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**Calendar:** 04/21/09 9:30 a.m. - John L. Burton Hearing Room (4203) SEN PUBLIC SAFETY

**Summary:** Existing law 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. Willful failure to register, preregister, or reregister, as required, is a misdemeanor or felony, depending on the underlying offense. This bill would require that the registration, preregistration, or reregistration be signed under penalty of perjury. This bill contains other related provisions and other existing laws.

**[SB 669](#)([Hollingsworth](#)) Sexually violent predators. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-To Com. on PUB. S.

**Location:** 03/19/2009-S PUB. S.

[REDACTED]												
Dead/2YR	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 provide that, at the hearing on the issue of whether the committed person should be conditionally released or unconditionally discharged, the committed person's failure to engage in treatment shall be considered evidence that his or her condition has not changed, and a jury shall be so instructed. This bill contains other related provisions and other existing laws.

**[SB 689](#)([Hollingsworth](#)) Sex offenders: residency restrictions. (1-02/27/2009 [html](#) [pdf](#))**

**Status:** 03/19/2009-To Com. on PUB. S.

**Location:** 03/19/2009-S PUB. S.

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

**Summary:** Existing law prohibits a parolee who served a term of imprisonment in state prison for any sex offense requiring registration, from, during the period of parole, residing in any single family dwelling with any other person also required to register as a sex offender, unless those persons are legally related by blood, marriage, or adoption. Existing law excludes a residential facility that serves 6 or fewer persons from the definition of a single family dwelling for this purpose. This bill would remove the exclusion of a residential facility that serves 6 or fewer persons from the definition of a single family dwelling and would, instead, allow a county or city to include a residential facility that serves 6 or fewer persons within the local definition of a single family dwelling for purposes of the restriction on sex offenders living together. This bill would also allow a county or city to prohibit a person released on parole, after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, from residing, during the period of parole, in any single family dwelling with any other person also on parole after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, unless those persons are legally related by blood, marriage, or adoption.