

CALIFORNIA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

99,162 as of February 4, 2003.

1. WHO IS REQUIRED TO REGISTER?

The following persons are required to register:

- (1) any person who, since July 1, 1944, has been or is convicted in any court in California or in any federal or military court of:
 - (a) kidnapping, regardless of whether or not a ransom is demanded, to commit rape, sodomy, lewd or lascivious acts, or oral copulation;
 - (b) assault to commit rape, sodomy, or oral copulation;
 - (c) sexual battery;
 - (d) rape:
 - (i) when the victim is incapable of giving consent;
 - (ii) by force or fear, or in concert with force or violence;
 - (iii) by threat of retaliation;
 - (iv) of a drugged victim;
 - (v) of a victim unconscious of the nature of the act; or
 - (vi) of a spouse by force or violence for which the offender is sentenced to the state prison;
 - (e) enticement of a minor female for prostitution;
 - (f) induced intercourse or sexual acts by false representation with the intent to create fear;
 - (g) pimping or pandering, where the person engaged in prostitution is a minor and the offense is committed after January 1, 1998;
 - (h) procurement of a minor under 16 for lewd and lascivious acts;
 - (i) abduction of a minor for prostitution;
 - (j) aggravated sexual assault of a minor;
 - (k) incest;
 - (l) sodomy;
 - (m) lewd or lascivious acts or conduct;
 - (n) oral copulation;
 - (o) continuous sexual abuse of a minor;
 - (p) sexual penetration with a foreign object;
 - (q) distributing, for commercial purposes, obscene matter depicting a minor engaged in or simulating sexual conduct;
 - (r) advertising, distributing, exhibiting, exchanging, or selling obscene matter depicting a minor engaged in or simulating sexual conduct;
 - (s) distributing, exhibiting, or exchanging obscene matter with a minor when such matter depicts a minor engaged in or simulating sexual conduct;
 - (t) sexual exploitation of a minor;

- (u) employment or use of a minor to perform prohibited acts;
 - (v) possession of matter depicting a minor engaged in or simulating sexual conduct;
 - (w) annoying or molesting a minor under 18;
 - (x) soliciting another to commit rape, sodomy, or oral copulation by force or violence;
 - (y) indecent exposure, or assisting in an act of indecent exposure;
 - (z) sending harmful matter to a minor by telephone messages, electronic mail, Internet, or a commercial online service, as long as such offense constitutes a felony; or
 - (aa) an attempt to commit an offense listed in (a) through (z) above;
- (2) any person who, since July 1, 1944, has been or is released, discharged, or paroled from a penal institution where he or she was confined because of the commission or attempted commission of an offense listed in (1) above;
 - (3) any person who, since July 1, 1944, has been or is determined to be a mentally disordered sex offender or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required but who has been found not guilty by reason of insanity in the sanity phase of the trial;
 - (4) any person who, since July 1, 1944, has been, or is convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in California, would have been punishable as one or more of the offenses described in (1) above, or any person ordered by any other court, including any state, federal, or military court, to register as a sex offender for any offense, if the court found at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification; or
 - (5) any person ordered by any court to register for any offense not included in (1) through (4) above, if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification.

(Cal. Penal Code §§ 290(a)(2)(A)-(E))

2. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Any offender who, on or after January 1, 1986, is discharged or paroled from the Department of Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the juvenile court because of the commission or attempted commission of one of the following offenses must register:

- (1) assault with intent to commit:
 - (a) rape;
 - (b) rape in concert with force or violence;
 - (c) sodomy;
 - (d) oral copulation;
 - (e) lewd or lascivious acts; or
 - (f) sexual penetration with a foreign object;
- (2) rape:
 - (a) when the victim is incapable of giving consent;
 - (b) by force or fear;
 - (c) by threat of retaliation;
 - (d) of a drugged victim; or
 - (e) of a victim who is unconscious of the nature of the act;
- (3) induced intercourse or sex acts by false representation with the intent to create fear;
- (4) abduction of a minor for purposes of prostitution;
- (5) sodomy:
 - (a) with a person under 18;
 - (b) with a person under 14; or

- (c) by force or in concert with force;
- (6) lewd or lascivious acts;
- (7) continuous sexual abuse of a minor;
- (8) oral copulation:
 - (a) with a person under 18;
 - (b) with a person under 14; or
 - (c) by force or in concert with force or fear;
- (9) sexual penetration by a foreign object and with force;
- (10) kidnapping, regardless of whether or not a ransom is demanded, with the intent to commit rape, sodomy, lewd or lascivious acts, oral copulation, or sexual penetration with a foreign object; or
- (11) any person discharged or paroled from a facility in another state that is equivalent to the Department of Youth Authority, to the custody of which he or she was committed because of an offense that, if committed or attempted in California, would have been punishable as an offense listed in (1) through (10) above.

(Cal. Penal Code §§ 290(d)(1)-(3))

3. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender must register within five working days of coming into, or changing his or her residence or location within, any city and/or county, or campus in which he or she temporarily resides, or, if he or she has no residence, is located.

(Cal. Penal Code § 290(a)(1)(A))

Registration takes place with the chief of police of the city in which an offender is residing, or if he or she has no residence, is located, or the sheriff of the county if he or she is residing, or if he or she has no residence, is located, in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing, or if he or she has no residence, is located, upon the campus or in any of its facilities.

(Cal. Penal Code § 290(a)(1)(A))

If an offender has more than one residence address or location at which he or she regularly resides or is located, he or she must register in each of those jurisdictions. If all the addresses or locations are within the same jurisdiction, an offender must provide the registering authority with all of the addresses or locations where he or she regularly resides or is located.

(Cal. Penal Code § 290(a)(1)(B))

4. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Registration consists of the following:

- (1) a statement, in writing signed by the offender, giving information required by the California Department of Justice and giving the name and address of his or her employer and the address of his or her place of employment if that is different from the employer's main address;
- (2) fingerprints and a current photograph of the offender taken by the registering official;
- (3) the license-plate number of any vehicle owned by, regularly driven by, or registered in the name of the offender; and
- (4) any other information that the registering official believes is reliable.

(Cal. Penal Code § 290(e)(2))

5. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If any offender who is required to register changes his or her residence address or location, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside the state, he or she must inform, in writing, the law-enforcement agency or agencies with which he or she last registered of his or her new address or location within five working days of the change.

(Cal. Penal Code § 290(f)(1))

Any offender who is required to register and who changes his or her name must inform, in person, the law-enforcement agency or agencies with which he or she is currently registered within five working days.

(Cal. Penal Code § 290(f)(3))

6. WHAT HAPPENS IF AN OFFENDER MOVES FROM CALIFORNIA TO ANOTHER STATE?

If an offender who is required to register changes his or her residence address or location to a new jurisdiction outside California, he or she must inform, in writing, the law-enforcement agency or agencies with which he or she last registered of his or her new address or location within five working days.

(Cal. Penal Code § 290(f)(1))

7. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO CALIFORNIA REQUIRED TO REGISTER?

An offender from another state must register within five working days of establishing residence in California.

(Cal. Penal Code § 290(a)(1)(A))

8. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN CALIFORNIA?

Offenders required to register in their state of residence who are out-of-state residents employed or carrying on a vocation in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, must register in California within five working days of beginning employment or schooling.

(Cal. Penal Code §§ 290(a)(1)(A), (1)(G))

In addition to the registration information required of all offenders, out-of-state offenders who work or go to school in California must provide the registering authority with the name of his or her place of employment or the name of the school attended in California and his or her address or location in his or her state of residence.

(Cal. Penal Code § 290(a)(1)(G))

9. IS REGISTRATION A LIFETIME REQUIREMENT?

Every offender required to register must do so for the rest of his or her life while residing in, or, if he or she has no residence, while located within California, or while attending school or working in California.

(Cal. Penal Code § 290(a)(1)(A))

10. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Any offender who is required to register based on a misdemeanor conviction or juvenile adjudication and who willfully violates any registration requirement is guilty of a misdemeanor punishable by imprisonment in a county jail for up to one year.

(Cal. Penal Code § 290(g)(1))

Any offender who is required to register based on a felony conviction or juvenile adjudication who willfully violates any registration requirement or who has a prior conviction or juvenile adjudication for failing to register and subsequently and willfully violates any registration requirement is guilty of a felony and will be punished by imprisonment in the state prison for up to three years. If probation is granted or if the imposition or execution of a sentence is suspended, it will be a condition of the probation or suspension that the offender serve at least 90 days in a county jail.

(Cal. Penal Code § 290(g)(2))

Any offender determined to be a mentally disordered sex offender or who has been found guilty in the guilt phase of trial for an offense for which registration is required, but who has been found not guilty by reason of insanity in the sanity phase of the trial, or who has had a petition sustained in a juvenile adjudication for an offense for which registration is required, but who has been found not guilty by reason of insanity, who willfully violates any requirement of this section is guilty of a misdemeanor and will be punished by imprisonment in a county jail for up to one year. For any second or subsequent willful violation of any registration requirement, the offender is guilty of a felony and will be punished by imprisonment in the state prison for up to three years.

(Cal. Penal Code § 290(g)(3))

If, after discharge from parole, an offender is convicted of a felony or suffers a juvenile adjudication for failing to meet the registration requirements, he or she will be required to complete parole of at least one year, in addition to any other punishment imposed for failing to register.

(Cal. Penal Code § 290(g)(4))

Any offender who has ever been adjudicated a sexually violent predator and who fails to verify his or her registration every 90 days will be punished by imprisonment in the state prison, or in a county jail for up to one year.

(Cal. Penal Code § 290(g)(5))

Any offender who is required to update his or her registration every 60 days and who willfully fails to update his or her registration is guilty of a misdemeanor and will be punished by imprisonment in a county jail for up to six months. Any subsequent violation is also a misdemeanor and will be punished by imprisonment in a county jail for up to six months.

(Cal. Penal Code § 290(g)(6))

Whenever any offender is released on parole or probation and is required to register but fails to do so within the time prescribed, the parole authority, the Youthful Offender Parole Board, or the court, as the case may be, must order the parole or probation of the offender revoked.

(Cal. Penal Code § 290(h))

11. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Public notification provisions are applicable to qualifying offenders regardless of age.

(Cal. Penal Code § 290.4(k))

When a peace officer reasonably suspects, based on information that has come to his or her attention through information provided by any other peace officer or member of the public, that a minor or other person may be at risk from an offender, a law-enforcement agency may provide any of the offender's registration information that the agency deems relevant and necessary to protect the public, to persons, agencies, or organizations the offender is likely to encounter, including public and private educational institutions, daycare establishments, establishments and organizations that primarily serve individuals likely to be victimized by the offender, and to other at-risk community members.

(Cal. Penal Code § 290(m)(1))

Additionally a designated law-enforcement entity may advise the public of the presence of high-risk sex offenders in the community.

(Cal. Penal Code § 290(n))

In addition to having law enforcement inform the community of an offender's presence, information is made public through a "900" telephone number operated by the California Department of Justice and by a CD-ROM, or another electronic medium, made available for public viewing by the Department of Justice, sheriff's departments, and municipal police departments of cities with a population of more than 200,000.

(Cal. Penal Code §§ 290.4(a)(3), (a)(4)(A))

Information that may be disclosed includes the offender's:

- (1) full name and known aliases;
- (2) sex;
- (3) race;
- (4) physical description;
- (5) photograph;
- (6) date of birth;
- (7) offense(s) resulting in registration;
- (8) address, which must be verified prior to publication;
- (9) vehicle description and license-plate number;
- (10) target victim;
- (11) relevant parole or probation conditions such as those prohibiting contact with children;
- (12) date(s) of offense(s) resulting in registration;
- (13) date of release from confinement; and
- (14) enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

(Cal. Penal Code §§ 290(m)(1), (n)(3))

12. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

Please check with local law enforcement to find out what information is available over the Internet.

13. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

Any person who uses sex-offender-registration information to commit a felony will be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.

(Cal. Penal Code § 290(q)(1))

Any person who uses sex-offender-registration information to commit a misdemeanor will be subject to, in addition to any other penalty or fine imposed, a fine of at least \$500, but no more than \$1,000.

(Cal. Penal Code § 290(q)(2))

Any person who uses information obtained from the “900” telephone number to commit a felony will be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(Cal. Penal Code § 290.4(b)(1))

Any person who, without authorization, uses information obtained from the “900” telephone number to commit a misdemeanor will be subject to, in addition to any other penalty or fine imposed, a fine of at least \$500, but no more than \$1,000.

(Cal. Penal Code § 290.4(b)(2))