

-  KeyCite Yellow Flag - Negative Treatment
Unconstitutional or PreemptedPrior Version Held Unconstitutional by [People v. Ruffin](#), Cal.App. 5 Dist., Nov. 02, 2011
-  KeyCite Yellow Flag - Negative TreatmentProposed Legislation

West's Annotated California Codes

Penal Code ([Refs & Annos](#))

Part 1. Of Crimes and Punishments ([Refs & Annos](#))

Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals ([Refs & Annos](#))

Chapter 5.5. Sex Offenders ([Refs & Annos](#))

West's Ann.Cal.Penal Code § 290

§ 290. Sex Offender Registration Act; duty to register within specified number of days following entrance into or moving within a jurisdiction; offenses requiring mandatory registration; duration of registration requirement

Effective: January 1, 2021

[Currentness](#)

<Section operative Jan. 1, 2021. See, also, [§ 290](#) operative until Jan. 1, 2021.>

<For Executive Order N-63-20 (2019 CA EO 63-20), which extends certain deadlines, authorizes the reemployment of retired peace officers, and facilitates remote sex offender reporting, due to the COVID-19 pandemic, see Historical and Statutory Notes under Education Code § 17311.>

<For Executive Order N-71-20 (2019 CA EO 71-20), which extends certain provisions from Executive Order N-63-20, due to the COVID-19 pandemic, see Historical and Statutory Notes under Education Code § 41422.>

(a) Sections 290 to [290.024](#), inclusive, shall be known, and may be cited, as the Sex Offender Registration Act. All references to "the Act" in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the period specified in subdivision (d) while residing in California, or while attending school or working in California, as described in [Sections 290.002](#) and [290.01](#), shall register with the chief of police of the city in which the person is residing, or the sheriff of the county if the person is residing 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 the person is residing upon the campus or in any of its facilities, within five working days of coming into, or changing the person's residence within, any city, county, or city and county, or campus in which the person temporarily resides, and shall register thereafter in accordance with the Act, unless the duty to register is terminated pursuant to [Section 290.5](#) or as otherwise provided by law.

(c)(1) The following persons shall register:

Every person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of [Section 187](#) committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under [Section 286](#), [287](#), [288](#), or [289](#) or former Section 288a, [Section 207](#) or [209](#) committed with intent to violate [Section 261](#), [286](#), [287](#), [288](#), or [289](#) or former Section 288a, [Section 220](#), except assault to commit mayhem, subdivision (b) or (c) of Section 236.1, [Section 243.4](#), [Section 261](#), paragraph (1) of subdivision (a) of [Section 262](#) involving the use of force or violence for which the person is sentenced to the state prison, [Section 264.1](#), [266](#), or [266c](#), subdivision (b) of [Section 266h](#), subdivision (b) of [Section 266i](#), [Section 266j](#), [267](#), [269](#), [285](#), [286](#), [287](#), [288](#), [288.3](#), [288.4](#), [288.5](#), [288.7](#), [289](#), or [311.1](#), or former Section 288a, subdivision (b), (c), or (d) of Section 311.2, [Section 311.3](#), [311.4](#), [311.10](#), [311.11](#), or [647.6](#), former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of [Section 314](#), any offense involving lewd or lascivious conduct under [Section 272](#), or any felony violation of [Section 288.2](#); any statutory predecessor that includes all elements of one of the offenses described in this subdivision; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the offenses described in this subdivision.

(2) Notwithstanding paragraph (1), a person convicted of a violation of subdivision (b) of [Section 286](#), subdivision (b) of [Section 287](#), or subdivision (h) or (i) of [Section 289](#) shall not be required to register if, at the time of the offense, the person is not more than 10 years older than the minor, as measured from the minor's date of birth to the person's date of birth, and the conviction is the only one requiring the person to register. This paragraph does not preclude the court from requiring a person to register pursuant to [Section 290.006](#).

(d) A person described in subdivision (c), or who is otherwise required to register pursuant to the Act shall register for 10 years, 20 years, or life, following a conviction and release from incarceration, placement, commitment, or release on probation or other supervision, as follows:

(1)(A) A tier one offender is subject to registration for a minimum of 10 years. A person is a tier one offender if the person is required to register for conviction of a misdemeanor described in subdivision (c), or for conviction of a felony described in subdivision (c) that was not a serious or violent felony as described in subdivision (c) of [Section 667.5](#) or subdivision (c) of [Section 1192.7](#).

(B) This paragraph does not apply to a person who is subject to registration pursuant to paragraph (2) or (3).

(2)(A) A tier two offender is subject to registration for a minimum of 20 years. A person is a tier two offender if the person was convicted of an offense described in subdivision (c) that is also described in subdivision (c) of [Section 667.5](#) or subdivision (c) of [Section 1192.7](#), [Section 285](#), subdivision (g) or (h) of [Section 286](#), subdivision (g) or (h) of [Section 287](#) or former Section 288a, subdivision (b) of Section 289, or [Section 647.6](#) if it is a second or subsequent conviction for that offense that was brought and tried separately.

(B) This paragraph does not apply if the person is subject to lifetime registration as required in paragraph (3).

(3) A tier three offender is subject to registration for life. A person is a tier three offender if any one of the following applies:

(A) Following conviction of a registerable offense, the person was subsequently convicted in a separate proceeding of committing an offense described in subdivision (c) and the conviction is for commission of a violent felony described in subdivision (c) of [Section 667.5](#), or the person was subsequently convicted of committing an offense for which the person

was ordered to register pursuant to [Section 290.006](#), and the conviction is for the commission of a violent felony described in subdivision (c) of [Section 667.5](#).

(B) The person was committed to a state mental hospital as a sexually violent predator pursuant to [Article 4 \(commencing with Section 6600\)](#) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(C) The person was convicted of violating any of the following:

(i) [Section 187](#) while attempting to commit or committing an act punishable under [Section 261](#), [286](#), [287](#), [288](#), or [289](#) or former Section 288a.

(ii) [Section 207](#) or [209](#) with intent to violate [Section 261](#), [286](#), [287](#), [288](#), or [289](#) or former Section 288a.

(iii) [Section 220](#).

(iv) [Subdivision \(b\) of Section 266h](#).

(v) [Subdivision \(b\) of Section 266i](#).

(vi) [Section 266j](#).

(vii) [Section 267](#).

(viii) [Section 269](#).

(ix) [Subdivision \(b\) or \(c\) of Section 288](#).

(x) [Section 288.2](#).

(xi) [Section 288.3](#), unless committed with the intent to commit a violation of [subdivision \(b\) of Section 286](#), [subdivision \(b\) of Section 287](#) or former Section 288a, or subdivision (h) or (i) of [Section 289](#).

(xii) [Section 288.4](#).

(xiii) [Section 288.5](#).

(xiv) [Section 288.7](#).

- (xv) Subdivision (c) of Section 653f.
- (xvi) Any offense for which the person is sentenced to a life term pursuant to [Section 667.61](#).
- (D) The person's risk level on the static risk assessment instrument for sex offenders (SARATSO), pursuant to [Section 290.04](#), is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.
- (E) The person is a habitual sex offender pursuant to [Section 667.71](#).
- (F) The person was convicted of violating subdivision (a) of Section 288 in two proceedings brought and tried separately.
- (G) The person was sentenced to 15 to 25 years to life for an offense listed in [Section 667.61](#).
- (H) The person is required to register pursuant to [Section 290.004](#).
- (I) The person was convicted of a felony offense described in subdivision (b) or (c) of Section 236.1.
- (J) The person was convicted of a felony offense described in subdivision (a), (c), or (d) of Section 243.4.
- (K) The person was convicted of violating paragraph (2), (3), or (4) of subdivision (a) of Section 261 or was convicted of violating [Section 261](#) and punished pursuant to paragraph (1) or (2) of subdivision (c) of Section 264.
- (L) The person was convicted of violating paragraph (1) of subdivision (a) of Section 262.
- (M) The person was convicted of violating [Section 264.1](#).
- (N) The person was convicted of any offense involving lewd or lascivious conduct under [Section 272](#).
- (O) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 286.
- (P) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 287 or former Section 288a.
- (Q) The person was convicted of violating paragraph (1) of subdivision (a) or subdivision (d), (e), or (j) of Section 289.

(R) The person was convicted of a felony violation of [Section 311.1](#) or [311.11](#) or of violating subdivision (b), (c), or (d) of [Section 311.2](#), [Section 311.3](#), [311.4](#), or [311.10](#).

(4)(A) A person who is required to register pursuant to [Section 290.005](#) shall be placed in the appropriate tier if the offense is assessed as equivalent to a California registerable offense described in subdivision (c).

(B) If the person's duty to register pursuant to [Section 290.005](#) is based solely on the requirement of registration in another jurisdiction, and there is no equivalent California registerable offense, the person shall be subject to registration as a tier two offender, except that the person is subject to registration as a tier three offender if one of the following applies:

(i) The person's risk level on the static risk assessment instrument (SARATSO), pursuant to [Section 290.06](#), is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.

(ii) The person was subsequently convicted in a separate proceeding of an offense substantially similar to an offense listed in subdivision (c) which is also substantially similar to an offense described in subdivision (c) of [Section 667.5](#), or is substantially similar to [Section 269](#) or [288.7](#).

(iii) The person has ever been committed to a state mental hospital or mental health facility in a proceeding substantially similar to civil commitment as a sexually violent predator pursuant to [Article 4 \(commencing with Section 6600\) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code](#).

(5)(A) The Department of Justice may place a person described in subdivision (c), or who is otherwise required to register pursuant to the Act, in a tier-to-be-determined category if the appropriate tier designation described in this subdivision cannot be immediately ascertained. An individual placed in this tier-to-be-determined category shall continue to register in accordance with the Act. The individual shall be given credit for any period for which the individual registers towards the individual's mandated minimum registration period.

(B) The Department of Justice shall ascertain an individual's appropriate tier designation as described in this subdivision within 24 months of the individual's placement in the tier-to-be-determined category.

(e) The minimum time period for the completion of the required registration period in tier one or two commences on the date of release from incarceration, placement, or commitment, including any related civil commitment on the registerable offense. The minimum time for the completion of the required registration period for a designated tier is tolled during any period of subsequent incarceration, placement, or commitment, including any subsequent civil commitment, except that arrests not resulting in conviction, adjudication, or revocation of probation or parole shall not toll the required registration period. The minimum time period shall be extended by one year for each misdemeanor conviction of failing to register under this act, and by three years for each felony conviction of failing to register under this act, without regard to the actual time served in custody for the conviction. If a registrant is subsequently convicted of another offense requiring registration pursuant to the Act, a new minimum time period for the completion of the registration requirement for the applicable tier shall commence upon that person's release from incarceration, placement, or commitment, including any related civil commitment. If the subsequent conviction requiring registration pursuant to the Act occurs prior to an order to terminate the registrant from the registry after completion of a tier associated with the first conviction for a registerable offense, the applicable tier shall be the highest tier associated with the convictions.

(f) Nothing in this section shall be construed to require a ward of the juvenile court to register under the Act, except as provided in [Section 290.008](#).

(g) This section shall become operative on January 1, 2021.

Credits

(Added by [Stats.2017, c. 541 \(S.B.384\), § 2.5, eff. Jan. 1, 2018](#), operative Jan. 1, 2021. Amended by [Stats.2018, c. 423 \(S.B.1494\), § 52, eff. Jan. 1, 2019](#), operative Jan. 1, 2021; [Stats.2020, c. 79 \(S.B.145\), § 2, eff. Jan. 1, 2021](#), operative Jan. 1, 2021.)

Notes of Decisions (436)

West's Ann. Cal. Penal Code § 290, CA PENAL § 290

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.

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