

Tiered Registration Summary

Penal Code section 290 was amended as of January 1, 2021, to create a “tiered” system for sex offenses in the State of California. This tiering is retroactive, applying to convictions suffered prior to its effective date as well as those that came afterwards. The Department of Justice should be notifying registrants of their specified Tier.

Penal Code section 290.5 was also amended, effective July 1, 2021, to explain the process under which eligible sex offenders can petition for removal from the registry. It is unclear to me if DOJ will also be providing registrants with specific estimated eligibility dates for removal petitions.

Section 1: What Are the Tiers and How Long Is the Registration Period?

Penal Code 290 (as of 1/1/21)

This section creates a list of crimes which require registration while “residing in California, or while attending school or working in California” within 5 working days of conviction, coming into the state, or changing a residence. Other statutes that can result in registration include section 290.006 [ordered by the Court at the time of conviction for a non-listed offense] and 290.005 [determined by the Department of Justice based on an out-of-state conviction for an analogous offense].

If a crime is listed as registerable in section 290(c), the sentencing court does not have the authority to exclude a person from registering after conviction (except as described in the “tiering” system). That is, if a defendant is convicted of a registerable offense, that individual must register so long as they reside in California until they have satisfied the minimum period of registration and then petitioned the Court for relief.

The new iteration of this law creates three tiers of registerable offenses. The lowest tier imposes registration for at least 10 years. The middle tier imposes registration for at least 20 years. The highest tier imposes lifetime registration. A particular registrant's tier is determined by the highest applicable tier based upon his or her charges, or by placement in a specific tier by the Department of Justice (for out-of-state convictions) or the sentencing court (for court-ordered registration per 290.006).

Please note also that a Tier 1 or Tier 2 registrant will be placed in Tier 3 by the Department of Justice if, at the time of their release on the registerable offense, the registrant's risk level is set at "well above average" by the SARATSO tool. (290(d)(3)(D)) These registrants are the only Tier 3 offenders who have the option of petitioning for termination under specified circumstances. [290.5(b)(3)]

The minimum period of registration for Tiers 1 and 2 **begins upon the defendant's release from confinement for the registerable offense** (or, presumably, the date of conviction for defendants that are not subsequently detained). The passage of this time is **tolled** for any subsequent confinement, unless that confinement does not result in a conviction, judgment, or revocation. The minimum time period is **extended** by 1 year for a misdemeanor conviction for a violation of 290PC, and 3 years for a felony conviction of 290PC. (290(e)PC)

A subsequent conviction for a registerable offense restarts the minimum time period at the highest tier of registration that has not yet expired. For example: Defendant is registering as a Tier 2 offender. He is arrested for a violation of 314PC, misdemeanor indecent exposure, which is a Tier 1 offense. If he is convicted for the new 314PC offense PRIOR to his termination from Tier 2 registration, he will begin a new 20-year Tier 2 minimum time period. If he is convicted for the new 314PC offense AFTER his termination from Tier 2 registration, he will begin a new 10-year Tier 1 minimum time period.

Out Of State Registrants (290(d)(4))

If an out-of-state conviction has an "equivalent" crime in California, DOJ will place the offender in the appropriate Tier based upon the California statute. (290(d)(4)(A)) If there is no equivalent crime, the offender will be placed in Tier 2 as a default position. (290(d)(4)(B)) The offender will be placed in Tier 3 if:

1. The offender's SARATSO risk level is "well above average" at the time of release on the sex offense; OR
2. The offender was subsequently convicted in a separate case for a registerable offense that is substantially similar to a violent "strike" offense, 269 or 288.7PC; OR
3. The offender has ever been committed to a mental health facility as an SVP equivalent.

Tier-To-Be-Determined (290(d)(5))

If DOJ cannot immediately determine the appropriate Tier of a registrant, the offender may be placed in a "Tier-to-be-Determined" category. DOJ must place the offender in a specific Tier within 24 months.

Juvenile Offenders (290.008)

Juveniles are only required to register for the following crimes if the minor was committed to DJJ/CDCR (as a ward) for the commission or attempted commission of the following offenses:

1. 220PC [assault with intent to commit rape, sodomy, oral copulation, 264.1, 288, or 289PC]
2. 261(a)(1), (2), (3), (4), or (6)
3. 264.1PC
4. 266cPC
5. 267PC
6. 286(b)(1), (c), or (d)PC
7. 287(b)(1), (c), or (d)PC
8. 288PC
9. 288.5PC

10. Former section 288a(b)(1), (c), or (d)
11. 289(a)PC
12. 647.6PC
13. 207PC with intent to 261, 286, 287, 288, 289, or former 288a.
14. 209PC with intent to 261, 286, 287, 288, 289, or former 288a.

Juvenile Tiers

Tier 1 – 5 Year Minimum Period of Registration

1. Listed Crime that is Not a Strike Offense (290.008(d)(1))

Tier 2 – 10 Year Minimum Period of Registration

1. Listed Crime that is a Strike Offense (290.008(d)(2))

Section 2: Petitioning for Relief

Penal Code 290.5 (as of 7/1/21)

This section provides the roadmap for eligible registrants to terminate their obligation to register. Registrants become eligible to petition for this relief on their first birthday AFTER the expiration of the mandatory minimum registration period (including any extensions per 290(e)). **If the mandatory minimum registration period has expired prior to July 1, 2021, the registrant may petition on or after their next birthday after that date.** (290.5(a)(1))

The petition is filed in the superior court (or juvenile court) of the county in which the offender is registered and must include proof of their current registration. (290.5(a)(1)) The petition must be served on the following entities:

1. The law enforcement agency responsible for the offender's registration

2. The district attorney in the county of registration
3. The "law enforcement agency of the county of conviction" (presumably the primary investigating agency), if different from the registering agency.
4. The district attorney of the county of conviction, if different from the county of registration. (290.5(a)(2))

Once the petition has been filed and served, the law enforcement agency(s) have 60 days to report to the district attorney and the court whether or not the registrant has fulfilled the minimum registration period including any extensions per 290(e). (290.5(a)(2))

Once the report has been received from the law enforcement agency(s) or, apparently, from the district attorney from the county of conviction, the district attorney may request a hearing on the petition. The hearing can be requested on the issue of the expiration of the mandatory minimum registration period OR to establish that **community safety would be "significantly enhanced by the person's continued registration."** (290.5(a)(2)) At that hearing, the DA may present evidence regarding the significant enhancement of community safety of continued registration. (290.5(a)(3)) This evidence can include:

1. Declarations
2. Affidavits
3. Police reports
4. Any other evidence submitted by the parties which is "reliable, material, and relevant."

At the conclusion of the hearing the court will decide if the mandatory minimum registration period has been met and/or whether the safety of the community would be significantly enhanced by continued registration. In doing so, the court shall consider (290.5(a)(3)):

1. The nature and facts of the registerable offense
2. The age and number of victims
3. Whether any victim was a stranger to the offender
4. Criminal behavior before and after conviction

5. Relevant noncriminal behavior before and after conviction
6. Passage of time without reoffense
7. Completion of a sex-offender treatment program
8. Current risk of reoffense, including SARATSO risk levels

If the court orders continued registration, it shall set a date for the offender's eligibility to re-petition for termination. The eligibility date will be between 1 and 5 years from the date of denial of the original petition and will be based on "facts presented at the hearing." (290.5(a)(4))

If the DA does not request a hearing for either purpose (eligibility or suitability), the petition shall be granted if:

1. Proof of current registration was presented in the petition
2. The registering agency reported that the mandatory minimum registration period had expired
3. There are no pending charges against the person which could extend the minimum registration period or change the person's designated tier

AND

4. The person is not in custody, on parole, on probation, or out on supervised release. (290.5(a)(2))

The petition may be summarily denied if the court finds that the petition hasn't met the statutory requirements for relief or if the petition has not been properly filed and served. (290.5(a)(2))

Exceptions to the 10/20/Life Tiers

A Tier 2 offender may petition for relief after 10 years out of custody on the underlying offense if all of these apply:

1. The registerable offense had just one victim between 14yo and 17yo, inclusive
2. The offender was under 21yo at the time of the offense

3. The registerable offense is not a violent felony under 667.5(c), except for 288(a)PC (huh?). Registerable violent felonies are:
 1. 261(a)(2) or (6)
 2. 262(a)(1) or (4)
 3. 286(c) or (d)
 4. 287(c) or (d) (or same subdivisions of 288a)
 5. 288(b)
 6. 289(a) or (j)
 7. 220
 8. 288.5
 9. 264.1

AND

4. The registerable offense is not "specified" in 236.1 (which presumably just means human trafficking)

A Tier 3 offender may petition for relief after 20 years out of custody on the underlying offense only if ALL of these apply:

1. The person has been placed in Tier 3 SOLELY based on the SARATSO risk level at the time of their release per 290(d)(3)(D)
2. The person has not been convicted of a new registerable offense since release
3. The person has not been convicted of a new violent felony per 667.5(c) since release
4. The person has NOT been convicted of a 288PC offense
5. The person has NOT been convicted of an offense in 1192.7 which requires registration AND
6. The person has registered for 20 years (or more)

Unclassified Out-Of-State Registrants (290.5(a)(2))

If a registering law enforcement agency discovers an unclassified out-of-state registerable conviction during their review of a petition for relief, the agency refers the conviction to CalDOJ for classification. CalDOJ is to make any adjustments to the offender's Tier assignment within three months of the request by the registering

agency. If more time is needed to complete the assessment, CalDOJ must notify the registering agency, who then reports that need to the DA and the Court, along with the reason for the request for more time and an estimate of the additional time required.

CONCLUSION

So, we now have a 10/20/Life-based sex registration system. While the Tiers have been in place since January 1st, eligible offenders cannot petition for relief until their first birthday which falls after their eligibility date (or after 7/1/21 if their eligibility date has already passed). It seems that CalDOJ will be alerting each of the offenders in the current registry as to their assigned Tier and date of eligibility for relief, although I have yet to see that in practice. In assessing a client's eligibility for relief, it is vital to know exactly what code section(s) they have suffered convictions for, if there have been any periods of incarceration or convictions subsequent to the registerable conviction, and the client's current registration status.

I have drafted a few lists of registerable crimes for reference and those are included below. The first list is each of the Tiers broken down into their catchall provisions and major constituent crimes, with citations. The second list is an attempt to list every statutorily registerable offense in order, with each offense color-coded into its appropriate Tier and a citation to the code that designates the Tier. Both are very much a work-in-progress.

The New 290 Tiers

Tier 1 – 10 Years Minimum (section 290(d)(1)(A))

1. Misdemeanor registerable offenses per 290(c)PC. Some notable **exceptions** are:
 1. 272PC for lewd or lascivious conduct [Tier 3 per 290(d)(3)(N)]

2. Misdemeanor 288.2PC convictions are NOT registerable per 290(c) and thus not tiered offenses.
3. 288.4(a)(1)PC [Arranging a meeting with a minor] (Tier 3 per 290(d)(3)(C)(xii))
2. Non-strike felony registerable offenses unless designated Tier 2 or 3 by 290(d)(2) or (3)PC. Some notable exceptions are:
 1. 243.4(a), (c), or (d)PC Felony Convictions [Tier 3 per 290(d)(3)(J)]
 2. 288(c)(1) and (2)PC [molest of a 14/15yo by a person 10yrs older, and non-forcible molest of a dependent person] [Tier 3 per 290(d)(3)(C)(ix)]
 3. 288.2PC [sending harmful matter to a minor] (Tier 3 per 290(d)(3)(C)(x))
 4. 288.3PC IF committed with certain specific intent.
 5. 288.4PC(a)(2) and (b) [registrant arranging a meeting with a minor, or any defendant who attends an arranged meeting with a minor] (Tier 3 per 290(d)(3)(C)(xii))
 6. 311.11PC Felony Convictions (and several other child-porn related felonies and wobblers, even as misdemeanors) [Tier 3 per 290(d)(3)(R)]
3. Out-of-State Offenders Placed Into Tier 1 by DOJ (290(d)(4))
4. Court ordered registrants unless found to be Tier 2 or 3 (290.006(b))

Tier 2 – 20 Years Minimum (section 290(d)(2)(A))

1. "Strike" felony registerable offenses unless designated Tier 3 by 290(d)(3)PC. The applicable "serious" and/or "violent" offenses are included in the list below.
2. Out-of-State Offenders Placed Into Tier 2 by DOJ (290(d)(4))
3. Court-Ordered Registration if a finding of Tier 2 has been made (290.006(b))
4. 261PC "Rape" [Except 261(a)(2),(3), or (4), which are Tier 3] (1192.7(c)(3))
5. 262PC "Spousal Rape" [Except 262(a)(1), which is Tier 3] (1192.7(c)(3))
6. 285PC [incest] (290(d)(2)(A))
7. 286(c)(1) or (3) PC [sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(4))
8. 286(g) or (h)PC [sodomy of an incapacitated person] (290(d)(2)(A))
9. 287(c)(1) or (3)PC [oral copulation with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))

10. 287(g) or (h)PC [oral copulation of an incapacitated person] (290(d)(2)(A))
11. 288(a)PC (667.5(c)(6)) [unless convicted of the crime in two or more separate criminal cases, in which case it is Tier 3 per 290(d)(3)(F)]
12. Former 288a(c)(1) or (3)PC [oral copulation with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
13. Former 288a(g) or (h)PC [oral copulation of an incapacitated person] (290(d)(2)(A))
14. 289(a)(2)PC [sexual penetration by threat of future retaliation] (667.5(c)(11))
15. 289(b)PC [sexual penetration of an incapacitated person] (290(d)(2)(A))
16. 647.6PC with a prior conviction for the same offense [annoying or molesting a minor] (290(d)(2)(A))

Tier 3 – Lifetime Registration (section 290(d)(3))

1. 187PC in the (attempted) commission of 261 [rape], 286 [sodomy], 287 [oral copulation], 288 [child molestation], 289 [sexual penetration], or former 288a [oral copulation]. (290(d)(3)(C)(i))
2. 207 [kidnap] with intent to violate 261 [rape], 286 [sodomy], 287 [oral copulation], 288 [child molestation], 289 [sexual penetration], or former 288a [oral copulation]. (290(d)(3)(C)(ii))
3. 209PC [kidnap] with intent to violate 261 [rape], 286 [sodomy], 287 [oral copulation], 288 [child molestation], 289 [sexual penetration], or former 288a [oral copulation]. (290(d)(3)(C)(ii))
4. 220PC [assault with intent to commit a specified crime, possibly including mayhem if there are other registerable offenses in the case] (290(d)(3)(C)(iii))
5. Felony conviction for 236.1(b) or (c)PC [human trafficking for sex-related purposes or extortion] (290(d)(3)(I))
6. Felony conviction for 243.4(a), (c), or (d) [sexual battery by restraint, fraud, or forced masturbation] (290(d)(3)(J))
7. 261(a)(2), (3), or (4)PC [rape by force, by intoxicant, or by unconsciousness] (290(d)(3)(K))
8. 261PC which was punished pursuant to 264(c)(1) or (2)PC [rape of minor by force] (290(d)(3)(K))
9. 262(a)(1)PC [ONLY IF SENT TO PRISON] [spousal rape by force] (290(d)(3)(L))
10. 264.1PC [rape/spousal rape/penetration in concert] (290(d)(3)(M))

11. 266h(b)PC [pimping a minor] (290(d)(3)(C)(iv))
12. 266i(b)PC [pandering a minor] (290(d)(3)(C)(v))
13. 266jPC [trafficking a minor for sex] (290(d)(3)(C)(vi))
14. 267PC [taking a minor for prostitution without the parent's consent] (290(d)(3)(C)(vii))
15. 269PC [aggravated child molestation] (290(d)(3)(C)(viii))
16. 272PC for lewd or lascivious conduct [contributing to the delinquency of a minor, a misdemeanor (or infraction)] (290(d)(3)(N))
17. 286(c)(2), (d), (f), or (i) [Sodomy by force/etc, sodomy in concert, sodomy by unconsciousness, or sodomy by intoxication] (290(d)(3)(O))
18. 287(c)(2), (d), (f), or (i) [Oral copulation by force/etc, oral copulation in concert, oral copulation by unconsciousness, or oral copulation by intoxication] (290(d)(3)(P))
19. Defendant convicted of 288(a)PC in two separate criminal cases (290(d)(3)(F))
20. 288(b) or (c)PC [child molestation by force/etc, molestation of a 14/15yo by a person 10yrs older, or molestation of a dependent person] (290(d)(3)(C)(ix))
21. Felony conviction of 288.2PC [sending harmful matter to a minor] (290(d)(3)(C)(x))
22. 288.3PC UNLESS committed with the intent to 286(b), 287(b), former 288a(b), or 289(h) or (i) [communicating with a minor with the intent to kidnap, rape, endanger, sodomize, orally copulate, molest, send harmful matter to, penetrate, or produce child pornography. UNLESS the intent is for simple "Romeo and Juliet" statutory rape-type sodomy, penetration, or oral copulation, which would be Tier 1] (290(d)(3)(C)(xi))
23. 288.4PC [arranging a meeting with a minor with a sexual intent] (290(d)(3)(C)(xii))
24. 288.5PC [continuous sexual abuse of a child] (290(d)(3)(C)(xiii))
25. 288.7PC [substantial sexual abuse of a child 10 or younger] (290(d)(3)(C)(xiv))
26. Former 288a(c)(2), (d), (f), or (i) [Oral copulation by force/etc, oral copulation in concert, oral copulation by unconsciousness, or oral copulation by intoxication] (290(d)(3)(P))
27. 289(a)(1), (d), (e), or (j) [sexual penetration by force/etc, of an unconscious person, by intoxicant, or against a person under 14yo by a person more than 10yrs older] (290(d)(3)(Q))

28. Felony conviction for 311.1 [possession of child pornography] (290(d)(3)(R))
 29. 311.2(b), (c), or (d) [production or possession of child pornography with intent to distribute] (290(d)(3)(R))
 30. 311.3 [sexual exploitation of a child] (290(d)(3)(R))
 31. 311.4 [engaging a minor for production of pornography] (290(d)(3)(R))
 32. 311.10 [advertising child pornography] (290(d)(3)(R))
 33. Felony conviction for 311.11 [possession of child pornography] (290(d)(3)(R))
 34. 653f(c)PC [solicitation of specified sex crimes] (290(d)(3)(C)(xv))
 35. Registrant sentenced to Life per 667.61PC (290(d)(3)(C)(xvi))
 36. Registrant declared to be a "Habitual Sex Offender" per 667.71PC (290(d)(3)(E))
 37. Registrant sentenced to Life for a crime listed in 667.61 (290(d)(3)(G))
 38. Registrant ordered to register per 290.004 [MDSO or NGI for 290(c)PC offense] (290(d)(3)(H))
 39. Registrant (any level) with a SARATSO Risk Level of "well above average" at the time of release for the registerable offense. (290(d)(3)(D))
 40. Existing registrant (any tier) convicted of a new "violent" AND registerable felony per 290(c)PC and 667.5(c)PC (290(d)(3)(A)). The violent, registerable felonies which are not already designated Tier 3 are:
 1. 261(a)(6)PC [rape by threat of future retaliation] (667.5(c)(3))
 2. 262(a)(4)PC [spousal rape by threat of future retaliation] (667.5(c)(3))
 3. 286(c)(1) or (3)PC [sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(4))
 4. 287(c)(1) or (3)PC [oral copulation sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
 5. Former 288a(c)(1) or (3)PC [oral copulation sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
 6. 288(a)PC [child molestation] (667.5(c)(6))
 7. 289(a)(2)PC [sexual penetration by threat of future retaliation] PC (667.5(c)(11))
 41. Existing registrant (any tier) convicted of a new "violent" felony (under 667.5(c)) AND ordered to register per 290.006PC (290(d)(3)(A))
 42. SVP commitment per 6600WIC (290(d)(3)(B))
 43. Out-of-State Offenders Placed Into Tier 3 by DOJ (290(d)(4))
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LIST OF REGISTERABLE OFFENSES WITH TIERS

Tier 1 – 10 Years Minimum (section 290(d)(1)(A))

Most misdemeanor registerable convictions, unless otherwise designated

Non-“strike” felony registerable offenses unless otherwise designated

Tier 2 – 20 Years Minimum (section 290(d)(2)(A))

“Strike” felony registerable offenses unless designated Tier 3 by 290(d)(3)PC.

Certain specified convictions (see below)

Tier 3 – Lifetime Registration (section 290(d)(3))

Specified Convictions and Some General Catch-All Provisions (see below)

1. 187PC in the (attempted) commission of 261, 286, 287, 288, 289, or former 288a [murder in the (attempted) commission of rape, sodomy, oral copulation, molestation, or penetration]. (290(d)(3)(C)(i))
2. 207 with intent to violate 261, 286, 287, 288, 289, or former 288a [kidnap with the intent to commit rape, sodomy, oral copulation, molestation, or penetration]. (290(d)(3)(C)(ii))
3. 209PC with intent to violate 261, 286, 287, 288, 289, or former 288a [kidnap with the intent to commit rape, sodomy, oral copulation, molestation, or penetration]. (290(d)(3)(C)(ii))
4. 220PC [assault with intent to commit a specified crime, possibly including mayhem if there are other registerable offenses in the case] (290(d)(3)(C)(iii))
5. 236.1(b) or (c)PC [TIER 3 FOR FELONY ONLY] [human trafficking for sex-related purposes or extortion] (290(d)(3)(I))
6. 243.4(a), (c), or (d) [Tier 1 FOR MISDEMEANOR ONLY] (sexual battery by restraint, fraud, or forced masturbation] (290(d)(1)(A))
7. 243.4(b) or (e) [sexual battery against a medical patient or simple sexual battery] (290(d)(1)(A))
8. 243.4(a), (c), or (d) [TIER 3 FOR FELONY ONLY] [sexual battery by restraint, fraud, or forced masturbation] (290(d)(3)(J))
9. 261PC “Rape” [Except 261(a)(2),(3), or (4), which are Tier 3] (1192.7(c)(3) and 290(d)(2)(A))
10. 261(a)(2), (3), or (4)PC [rape by force, by intoxicant, or by unconsciousness] (290(d)(3)(K))

11. 261PC which was punished pursuant to 264(c)(1) or (2)PC [rape of minor by force] (290(d)(3)(K))
12. 262(a)(1)PC [REGISTERABLE ONLY IF SENTENCED TO STATE PRISON per 290(c)] [spousal rape by force] (290(d)(3)(L))
13. 264.1PC [rape/spousal rape/penetration in concert] (290(d)(3)(M))
14. 266 [Inveigling a minor to have an illicit carnal connection or fraudulently procuring a person for an illicit carnal connection with another person] (290(d)(1)(A))
15. 266c [inducing a person to engage in specified sex act through false statement intended to create fear] (290(d)(1)(A))
16. 266h(b)PC [pimping a minor] (290(d)(3)(C)(iv))
17. 266i(b)PC [pandering a minor] (290(d)(3)(C)(v))
18. 266jPC [trafficking a minor for sex] (290(d)(3)(C)(vi))
19. 267PC [taking a minor for prostitution without the parent's consent] (290(d)(3)(C)(vii))
20. 269PC [aggravated child molestation] (290(d)(3)(C)(viii))
21. 272PC for lewd or lascivious conduct [contributing to the delinquency of a minor, a misdemeanor (or infraction?)] (290(d)(3)(N))
22. 285PC [incest] (290(d)(2)(A))
23. 286(b), (e), (j), or (k) [simple sodomy with a minor, sodomy with an inmate, sodomy by false personation, and sodomy under color of authority] [290(d)(1)(A)]
24. 286(c)(1) or (3) PC [sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(4))
25. 286(g) or (h)PC [sodomy of an incapacitated person] (290(d)(2)(A))
26. 286(c)(2), (d), (f), or (i) [Sodomy by force/etc, sodomy in concert, sodomy by unconsciousness, or sodomy by intoxication] (290(d)(3)(O))
27. 287(b), (e), (j), or (k) [simple oral copulation with a minor, oral copulation with an inmate, oral copulation by false personation, and oral copulation under color of authority] [290(d)(1)(A)]
28. 287(c)(1) or (3)PC [oral copulation with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
29. 287(g) or (h)PC [oral copulation of an incapacitated person] (290(d)(2)(A))
30. 287(c)(2), (d), (f), or (i) [Oral copulation by force/etc, oral copulation in concert, oral copulation by unconsciousness, or oral copulation by intoxication] (290(d)(3)(P))
31. 288(a)PC [TIER 3 ONLY IF CONVICTED IN TWO SEPARATE CASES] (290(d)(3)(F))
32. 288(a)PC (667.5(c)(6)) [unless convicted of the crime in two or more separate criminal cases, in which case it is Tier 3 per 290(d)(3)(F)]
33. 288(b) or (c)PC [child molestation by force/etc, molestation of a 14/15yo by a person 10yrs older, or molestation of a dependent person] (290(d)(3)(C)(ix))
34. 288.2PC [TIER 3/REGISTERABLE ONLY IF FELONY] [sending harmful matter to a minor] (290(d)(3)(C)(x))
35. 288.3 [TIER 1 ONLY IF COMMITTED WITH INTENT FOR SIMPLE STATUTORY SODOMY, PENETRATION, OR ORAL COPULATION] (290(d)(1)(A) and 290(d)(3)(C)(xi))

36. 288.3PC UNLESS committed with the intent to 286(b), 287(b), former 288a(b), or 289(h) or (i) [communicating with a minor with the intent to kidnap, rape, endanger, sodomize, orally copulate, molest, send harmful matter to, penetrate, or produce child pornography. UNLESS the intent is for simple “Romeo and Juliet” statutory rape-type sodomy, penetration, or oral copulation, which would be Tier 1] (290(d)(3)(C)(xi))
37. 288.4PC [arranging a meeting with a minor with a sexual intent] (290(d)(3)(C)(xii))
38. 288.5PC [continuous sexual abuse of a child] (290(d)(3)(C)(xiii))
39. 288.7PC [substantial sexual abuse of a child 10 or younger] (290(d)(3)(C)(xiv))
40. Former 288a(b), (e), (j), or (k) [simple oral copulation with a minor, oral copulation with an inmate, oral copulation by false personation, and oral copulation under color of authority] [290(d)(1)(A))
41. Former 288a(c)(1) or (3)PC [oral copulation with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
42. Former 288a(g) or (h)PC [oral copulation of an incapacitated person] (290(d)(2)(A))
43. Former 288a(c)(2), (d), (f), or (i) [Oral copulation by force/etc, oral copulation in concert, oral copulation by unconsciousness, or oral copulation by intoxication] (290(d)(3)(P))
44. 289(c), (f), (g), (h), or (i) [sexual penetration between committed mentally disordered persons, penetration by false personation, penetration under color of authority, and simple penetration] (290(d)(1)(A))
45. 289(a)(2)PC [sexual penetration by threat of future retaliation] (667.5(c)(11))
46. 289(b)PC [sexual penetration of an incapacitated person] (290(d)(2)(A))
47. 289(a)(1), (d), (e), or (j) [sexual penetration by force/etc, of an unconscious person, by intoxicant, or against a person under 14yo by a person more than 10yrs older] (290(d)(3)(Q))
48. 311.1 [TIER 1 IF MISDEMEANOR] [290(d)(1)(A))
49. 311.1 [TIER 3 ONLY IF FELONY] (290(d)(3)(R))
50. 311.2(a)
51. 311.2(b), (c), or (d) (290(d)(3)(R))
52. 311.3 (290(d)(3)(R))
53. 311.4 (290(d)(3)(R))
54. 311.10 (290(d)(3)(R))
55. 311.11 [TIER 1 ONLY IF MISDEMEANOR] [290(d)(1)(A))
56. 311.11 [TIER 3 ONLY IF FELONY] (290(d)(3)(R))
57. 314(1) or (2) (290(d)(1)(A))
58. 647.6PC [TIER 1 UNLESS PRIOR CONVICTION FOR SAME CRIME] (290(d)(1)(A))
59. 647.6PC [TIER 2 ONLY WITH A PRIOR CONVICTION] [annoying or molesting a minor] (290(d)(2)(A))
60. Former section 647a (290(d)(1)(A))
61. 653f(c)PC [solicitation of specified sex crimes] (290(d)(3)(C)(xv))

TIER 3 CATCH-ALL PROVISIONS

1. Registrant (any level) with a SARATSO Risk Level of “well above average” at the time of release for the registerable offense. (290(d)(3)(D))
2. Registrant sentenced to Life per 667.61PC (290(d)(3)(C)(xvi))
3. Registrant sentenced to Life for a crime listed in 667.61 (290(d)(3)(G))
4. Registrant declared to be a “Habitual Sex Offender” per 667.71PC (290(d)(3)(E))
5. Registrant ordered to register per 290.004 [MDSO or NGI for 290(c)PC offense] (290(d)(3)(H))
6. Existing registrant (any tier) convicted of a new “violent” felony (under 667.5(c)) AND ordered to register per 290.006PC (290(d)(3)(A))
7. SVP commitment per 6600WIC (290(d)(3)(B))
8. Out-of-State Offenders Placed Into Tier 3 by DOJ (290(d)(4))
9. Existing registrant (any tier) convicted of a new “violent” AND registerable felony per 290(c)PC and 667.5(c)PC (290(d)(3)(A)). The violent, registerable felonies which are not already designated Tier 3 are:
 - a. 261(a)(6)PC [rape by threat of future retaliation] (667.5(c)(3))
 - b. 286(c)(1) or (3)PC [sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(4))
 - c. 287(c)(1) or (3)PC [oral copulation sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
 - d. Former 288a(c)(1) or (3)PC [oral copulation sodomy with a minor under 14 and 10yrs younger or by threat of future retaliation] (667.5(c)(5))
 - e. 288(a)PC [child molestation] (667.5(c)(6))
 - f. 289(a)(2)PC [sexual penetration by threat of future retaliation] PC (667.5(c)(11))