

West's Annotated California Codes

Penal Code

Part 1. Of Crimes and Punishments

Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good  
Morals

Chapter 5.5. Sex Offenders

West's Ann.Cal.Penal Code Pt. 1, T. 9, Ch. 5.5, Refs & Annos

Currentness

West's Ann. Cal. Penal Code Pt. 1, T. 9, Ch. 5.5, Refs & Annos, CA PENAL Pt. 1, T. 9, Ch. 5.5, Refs & Annos  
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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, 2026

Currentness

(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) The following persons shall register:

(1) A 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, subdivision (c) or (d) of Section 261.5 if the offense occurred on or after January 1, 2026, 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 former 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)(A) A person who is 18 years of age or older, is convicted on or after January 1, 2025, of a violation of paragraph (2) of subdivision (l) of Section 647, and has a prior conviction for a violation of subparagraph (A) of paragraph (2) of subdivision

(l) of Section 647 shall register if, at the time of the offense, the person was more than 10 years older than the solicited 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.

(B) This paragraph does not preclude the court from requiring a person to register pursuant to Section 290.006.

(3) Notwithstanding paragraph (1), a person convicted of a violation of subdivision (c) or (d) of Section 261.5, 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 former 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) of, or subdivision (d), (f), or (i) of, Section 286.
- (P) The person was convicted of violating paragraph (2) of subdivision (c) of, 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) of, 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 toward the mandated minimum registration period for any period for which the individual registers.

(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) This section does not require a ward of the juvenile court to register under the Act, except as provided in Section 290.008.

#### **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; Stats.2021, c. 626 (A.B.1171), § 25, eff. Jan. 1, 2022; Stats.2024, c. 617 (S.B.1414), § 1, eff. Jan. 1, 2025; Stats.2025, c. 780 (S.B.680), § 1, eff. Jan. 1, 2026.)

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

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.001

§ 290.001. Registration of sexually violent predators

Effective: October 13, 2007

Currentness

Every person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, shall register in accordance with the Act.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 9, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.001, CA PENAL § 290.001

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.002

§ 290.002. Registration of out-of-state residents working or attending school in California

Effective: October 13, 2007

Currentness

Persons 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, shall register in accordance with the Act. Persons described in the Act who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education Code, on a full-time or part-time basis, shall register in accordance with the Act. The place where the out-of-state resident is located, for purposes of registration, shall be the place where the person is employed, carrying on a vocation, or attending school. The out-of-state resident subject to this section shall, in addition to the information required pursuant to Section 290.015, 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. The registration requirement for persons subject to this section shall become operative on November 25, 2000. The terms “employed or carries on a vocation” include employment whether or not financially compensated, volunteered, or performed for government or educational benefit.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 10, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.002, CA PENAL § 290.002

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.003

§ 290.003. Registration of persons released after July 1, 1944, from confinement for an offense requiring registration

Effective: October 13, 2007

Currentness

Any person who, since July 1, 1944, has been or hereafter is released, discharged, or paroled from a penal institution where he or she was confined because of the commission or attempted commission of one of the offenses described in subdivision (c) of Section 290, shall register in accordance with the Act.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 11, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.003, CA PENAL § 290.003

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.004

§ 290.004. Registration of mentally disordered sex offenders

Effective: January 1, 2018

Currentness

Any person who, since July 1, 1944, has been or hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required by this act but who has been found not guilty by reason of insanity in the sanity phase of the trial shall register in accordance with the act.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 12, eff. Oct. 13, 2007. Amended by Stats.2017, c. 269 (S.B.811), § 8, eff. Jan. 1, 2018.)

West's Ann. Cal. Penal Code § 290.004, CA PENAL § 290.004

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.005

§ 290.005. Registration of persons convicted of registrable offenses in out-of-state, federal, or military courts

Effective: January 1, 2019

Currentness

The following persons shall register in accordance with the Act:

(a) Except as provided in subdivision (c) or (d), any person who, since July 1, 1944, has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, based on the elements of the convicted offense or facts admitted by the person or found true by the trier of fact or stipulated facts in the record of military proceedings, would have been punishable as one or more of the offenses described in subdivision (c) of Section 290, including offenses in which the person was a principal, as defined in Section 31.

(b) 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.

(c) Except as provided in subdivision (d), any person who would be required to register while residing in the state of conviction for a sex offense committed in that state.

(d) Notwithstanding any other law, a person convicted in another state of an offense similar to one of the following offenses who is required to register in the state of conviction shall not be required to register in California unless the out-of-state offense, based on the elements of the conviction offense or proven or stipulated facts in the record of conviction, contains all of the elements of a registerable California offense described in subdivision (c) of Section 290:

(1) Indecent exposure, pursuant to Section 314.

(2) Unlawful sexual intercourse, pursuant to Section 261.5.

(3) Incest, pursuant to Section 285.

(4) Sodomy, pursuant to Section 286, or oral copulation, pursuant to Section 287 or former Section 288a, provided that the offender notifies the Department of Justice that the sodomy or oral copulation conviction was for conduct between consenting adults, as described in Section 290.019, and the department is able, upon the exercise of reasonable diligence, to verify that fact.

(5) Pimping, pursuant to Section 266h, or pandering, pursuant to Section 266i.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 13, eff. Oct. 13, 2007. Amended by Stats.2011, c. 362 (S.B.622), § 1; Stats.2018, c. 423 (S.B.1494), § 53, eff. Jan. 1, 2019.)

West's Ann. Cal. Penal Code § 290.005, CA PENAL § 290.005

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.006

§ 290.006. Court order of registration for offenses committed out of sexual compulsion or for sexual gratification; determination of registration tier

Effective: January 1, 2021

Currentness

(a) Any person ordered by any court to register pursuant to the act, who is not required to register pursuant to Section 290, shall so register, 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. The court shall state on the record the reasons for its findings and the reasons for requiring registration.

(b) The person shall register as a tier one offender in accordance with paragraph (1) of subdivision (d) of Section 290, unless the court finds the person should register as a tier two or tier three offender and states on the record the reasons for its finding.

(c) In determining whether to require the person to register as a tier two or tier three offender, the court shall consider all of the following:

(1) The nature of the registerable offense.

(2) The age and number of victims, and whether any victim was personally unknown to the person at the time of the offense. A victim is personally unknown to the person for purposes of this paragraph if the victim was known to the offender for less than 24 hours.

(3) The criminal and relevant noncriminal behavior of the person before and after conviction for the registerable offense.

(4) Whether the person has previously been arrested for, or convicted of, a sexually motivated offense.

(5) The person's current risk of sexual or violent reoffense, including the person's risk level on the SARATSO static risk assessment instrument, and, if available from past supervision for a sexual offense, the person's risk level on the SARATSO dynamic and violence risk assessment instruments.

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

**Credits**

(Added by Stats.2017, c. 541 (S.B.384), § 4, eff. Jan. 1, 2018, operative Jan. 1, 2021. Amended by Stats.2020, c. 79 (S.B.145), § 4, eff. Jan. 1, 2021, operative Jan. 1, 2021.)

West's Ann. Cal. Penal Code § 290.006, CA PENAL § 290.006

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.007

§ 290.007. Duty to register regardless of dismissal under Section 1203.4 of the Penal Code

Effective: January 1, 2019

Currentness

A person required to register pursuant to any provision of the Act shall register in accordance with the Act, regardless of whether the person's conviction has been dismissed pursuant to Section 1203.4, unless the person obtains a certificate of rehabilitation and is entitled to relief from registration pursuant to Section 290.5, or is exonerated pursuant to subdivision (e) of Section 3007.05 of the conviction requiring registration and the person is not otherwise required to register.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 15, eff. Oct. 13, 2007. Amended by Stats.2018, c. 979 (S.B.1050), § 1, eff. Jan. 1, 2019.)

West's Ann. Cal. Penal Code § 290.007, CA PENAL § 290.007

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.008

§ 290.008. Juveniles adjudicated a ward of the juvenile court for specified sex offenses  
and sent to the Division of Juvenile Justice, or equivalent thereof; duty to register

Effective: September 29, 2022

Currentness

(a) Any person who, on or after January 1, 1986, is discharged or paroled from the Department of Corrections and Rehabilitation to the custody of which they were committed after having been adjudicated a ward of the juvenile court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of any offense described in subdivision (c) shall register in accordance with the Act unless the duty to register is terminated pursuant to Section 290.5 or as otherwise provided by law.

(b) Any person who is discharged or paroled from a facility in another state that is equivalent to the Division of Juvenile Justice, to the custody of which they were committed because of an offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in subdivision (c) shall register in accordance with the Act.

(c) Any person described in this section who committed an offense in violation of any of the following provisions shall be required to register pursuant to the Act:

(1) Assault with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 under Section 220.

(2) Any offense defined in paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, Section 264.1, 266c, or 267, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 286, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 287, Section 288 or 288.5, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, former Section 288a, subdivision (a) of Section 289, or Section 647.6.

(3) A violation of Section 207 or 209 committed with the intent to violate Section 261, 286, 287, 288, or 289, or former Section 288a.

(d)(1) A tier one juvenile offender is subject to registration for a minimum of five years. A person is a tier one juvenile offender if the person is required to register after being adjudicated as a ward of the court and discharged or paroled from the Department of Corrections and Rehabilitation for an offense listed in subdivision (c) that is not a serious or violent felony as described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(2) A tier two juvenile offender is subject to registration for a minimum of 10 years. A person is a tier two juvenile offender if the person is required to register after being adjudicated as a ward of the court and discharged or paroled from the Department of Corrections and Rehabilitation for an offense listed in subdivision (c) that is a serious or violent felony as described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(3) A person who is required to register as a sex offender pursuant to this section may file a petition for termination from the sex offender registry in the juvenile court in the county in which they are registered at the expiration of their mandated minimum registration period, pursuant to Section 290.5.

(e) Prior to discharge or parole from the Department of Corrections and Rehabilitation, any person who is subject to registration under this section shall be informed of the duty to register under the procedures set forth in the Act. Department officials shall transmit the required forms and information to the Department of Justice.

(f) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has their records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This section shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.

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

(h) For purposes of this section, a discharged person shall include all of the following:

(1) A ward in the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2022, who, prior to discharge, is returned by the division or the chief probation officer of the county to the court of jurisdiction for alternative disposition, specifically due to the statutorily required closure of the division. The division shall inform the ward of the duty to register prior to the ward being returned to the court.

(2) A patient described in Section 1732.10 of the Welfare and Institutions Code. The division shall inform the patient of the duty to register immediately prior to closure of the division.

(3) A person described in Section 1732.9 of the Welfare and Institutions Code. The Department of Corrections and Rehabilitation shall inform the person of the duty to register immediately prior to the person being returned to the court of jurisdiction.

(i) The court of jurisdiction shall establish the point at which the ward described in subdivision (h) is required to register and notify the Department of Justice of its decision.

#### **Credits**

(Added by Stats.2017, c. 541 (S.B.384), § 6, eff. Jan. 1, 2018, operative Jan. 1, 2021. Amended by Stats.2018, c. 423 (S.B.1494), § 55, eff. Jan. 1, 2019, operative Jan. 1, 2021; Stats.2022, c. 771 (A.B.160), § 13, eff. Sept. 29, 2022.)

West's Ann. Cal. Penal Code § 290.008, CA PENAL § 290.008

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.009

§ 290.009. Persons required to register; duty to register on campus  
if employed, student, or volunteer at institute of higher education

Effective: October 13, 2007

Currentness

Any person required to register under the Act who is enrolled as a student or is an employee or carries on a vocation, with or without compensation, at an institution of higher learning in this state, shall register pursuant to the provisions of the Act.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 17, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.009, CA PENAL § 290.009

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.010

§ 290.010. Multiple residences; duty to register in jurisdiction of each address where registrant regularly resides

Effective: October 13, 2007

Currentness

If the person who is registering has more than one residence address at which he or she regularly resides, he or she shall register in accordance with the Act in each of the jurisdictions in which he or she regularly resides, regardless of the number of days or nights spent there. If all of the addresses are within the same jurisdiction, the person shall provide the registering authority with all of the addresses where he or she regularly resides.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 18, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.010, CA PENAL § 290.010

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.011

§ 290.011. Registration of transients

Effective: January 1, 2011

Currentness

Every person who is required to register pursuant to the act who is living as a transient shall be required to register for the rest of his or her life as follows:

(a) He or she shall register, or reregister if the person has previously registered, within five working days from release from incarceration, placement or commitment, or release on probation, pursuant to subdivision (b) of Section 290, except that if the person previously registered as a transient less than 30 days from the date of his or her release from incarceration, he or she does not need to reregister as a transient until his or her next required 30-day update of registration. If a transient convicted in another jurisdiction enters the state, he or she shall register within five working days of coming into California with the chief of police of the city in which he or she is present or the sheriff of the county if he or she is present in an unincorporated area or city that has no police department. If a transient is not physically present in any one jurisdiction for five consecutive working days, he or she shall register in the jurisdiction in which he or she is physically present on the fifth working day following release, pursuant to subdivision (b) of Section 290. Beginning on or before the 30th day following initial registration upon release, a transient shall reregister no less than once every 30 days thereafter. A transient shall register with the chief of police of the city in which he or she is physically present within that 30-day period, or the sheriff of the county if he or she is physically present 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 physically present upon the campus or in any of its facilities. A transient shall reregister no less than once every 30 days regardless of the length of time he or she has been physically present in the particular jurisdiction in which he or she reregisters. If a transient fails to reregister within any 30-day period, he or she may be prosecuted in any jurisdiction in which he or she is physically present.

(b) A transient who moves to a residence shall have five working days within which to register at that address, in accordance with subdivision (b) of Section 290. A person registered at a residence address in accordance with that provision who becomes transient shall have five working days within which to reregister as a transient in accordance with subdivision (a).

(c) Beginning on his or her first birthday following registration, a transient shall register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (a). A transient shall register in whichever jurisdiction he or she is physically present on that date. At the 30-day updates and the annual update, a transient shall provide current information as required on the Department of Justice annual update form, including the information described in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 290.015, and the information specified in subdivision (d).

(d) A transient shall, upon registration and reregistration, provide current information as required on the Department of Justice registration forms, and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities. If a transient changes or adds to the places listed on the form during the 30-day period, he or she does not need to report the new place or places until the next required reregistration.

(e) Failure to comply with the requirement of reregistering every 30 days following initial registration pursuant to subdivision (a) shall be punished in accordance with subdivision (g) of Section 290.018. Failure to comply with any other requirement of this section shall be punished in accordance with either subdivision (a) or (b) of Section 290.018.

(f) A transient who moves out of state shall inform, in person, the chief of police in the city in which he or she is physically present, or the sheriff of the county if he or she is physically present in an unincorporated area or city that has no police department, within five working days, of his or her move out of state. The transient shall inform that registering agency of his or her planned destination, residence or transient location out of state, and any plans he or she has to return to California, if known. The law enforcement agency shall, within three days after receipt of this information, forward a copy of the change of location information to the Department of Justice. The department shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence or location.

(g) For purposes of the act, “transient” means a person who has no residence. “Residence” means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

(h) The transient registrant's duty to update his or her registration no less than every 30 days shall begin with his or her second transient update following the date this section became effective.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 19, eff. Oct. 13, 2007. Amended by Stats.2009, c. 35 (S.B.174), § 6; Stats.2010, c. 328 (S.B.1330), § 153.)

West's Ann. Cal. Penal Code § 290.011, CA PENAL § 290.011

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.012

§ 290.012. Annual update; sexually violent predator update; transient update; no fee for registration or update

Effective: January 1, 2017

Currentness

(a) Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290. At the annual update, the person shall provide current information as required on the Department of Justice annual update form, including the information described in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 290.015. The registering agency shall give the registrant a copy of the registration requirements from the Department of Justice form.

(b) In addition, every person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, shall, after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer, in a manner established by the Department of Justice. Every person who, as a sexually violent predator, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased registration obligations. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notice shall be a defense to the penalties prescribed in subdivision (f) of Section 290.018.

(c) In addition, every person subject to the Act, while living as a transient in California, shall update his or her registration at least every 30 days, in accordance with Section 290.011.

(d) No entity shall require a person to pay a fee to register or update his or her registration pursuant to this section. The registering agency shall submit registrations, including annual updates or changes of address, directly into the Department of Justice California Sex and Arson Registry (CSAR).

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 20, eff. Oct. 13, 2007. Amended by Initiative Measure (Prop. 35, § 10, approved Nov. 6, 2012, eff. Nov. 7, 2012); Stats.2014, c. 54 (S.B.1461), § 11, eff. Jan. 1, 2015; Stats.2016, c. 772 (S.B.448), § 2, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.012, CA PENAL § 290.012

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.013

§ 290.013. Change of address, within or outside the state; notice to Department of Justice  
by facility for persons being admitted to or released from Department of Corrections  
and Rehabilitation facility, county or local custodial facility, or state mental institution

Effective: January 1, 2019

Currentness

- (a) A person who was last registered at a residence address pursuant to the Act who changes his or her residence address, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, shall, in person, within five working days of the move, inform the law enforcement agency or agencies with which he or she last registered of the move, the new address or transient location, if known, and any plans he or she has to return to California.
- (b) If the person does not know the new residence address or location at the time of the move, the registrant shall, in person, within five working days of the move, inform the last registering agency or agencies that he or she is moving. The person shall later notify the last registering agency or agencies, in writing, sent by certified or registered mail, of the new address or location within five working days of moving into the new residence address or location, whether temporary or permanent.
- (c) The law enforcement agency or agencies shall, within three working days after receipt of this information, forward a copy of the change of address information to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency or agencies having local jurisdiction of the new place of residence.
- (d) If the person is being admitted to or released from a Department of Corrections and Rehabilitation facility, a county or local custodial facility, or state mental institution, an official of the place of incarceration, placement, or commitment shall, within 15 working days of both receipt and release of the person, forward the registrant's change of address information to the Department of Justice in a manner prescribed by the department. If the person is being admitted to the facility, the agency need not provide a physical address for the registrant but shall indicate that he or she is serving a period of incarceration or commitment in a facility under the agency's jurisdiction. This subdivision shall apply to persons received in a department facility, county or local custodial facility, or state mental institution on or after January 1, 1999. The Department of Justice shall forward the change of address information to the agency with which the person last registered.

#### Credits

(Added by Stats.2007, c. 579 (S.B.172), § 21, eff. Oct. 13, 2007. Amended by Stats.2018, c. 811 (A.B.1994), § 1, eff. Jan. 1, 2019.)

West's Ann. Cal. Penal Code § 290.013, CA PENAL § 290.013

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.014

§ 290.014. Name change by registrant; addition or change of Internet identifier

Effective: January 1, 2017

Currentness

(a) If any person who is required to register pursuant to the Act changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days. The law enforcement agency or agencies shall forward a copy of this information to the Department of Justice within three working days of its receipt.

(b) If any person who is required to register Internet identifiers pursuant to Section 290.024 adds or changes an Internet identifier, as defined in Section 290.024, the person shall send written notice by mail of the addition or change to the law enforcement agency or agencies with which he or she is currently registered within 30 working days of the addition or change. The law enforcement agency or agencies shall make the information available to the Department of Justice.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 22, eff. Oct. 13, 2007. Amended by Initiative Measure (Prop. 35, § 11, approved Nov. 6, 2012, eff. Nov. 7, 2012); Stats.2016, c. 772 (S.B.448), § 3, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.014, CA PENAL § 290.014

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.015

§ 290.015. Release from incarceration; registration requirement; information required at registration; failure to register

Effective: January 1, 2017

Currentness

(a) A person who is subject to the Act shall register, or reregister if he or she has previously registered, upon release from incarceration, placement, commitment, or release on probation pursuant to subdivision (b) of Section 290. This section shall not apply to a person who is incarcerated for less than 30 days if he or she has registered as required by the Act, he or she returns after incarceration to the last registered address, and the annual update of registration that is required to occur within five working days of his or her birthday, pursuant to subdivision (a) of Section 290.012, did not fall within that incarceration period. The registration shall consist of all of the following:

(1) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.

(2) The fingerprints and a current photograph of the person 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 person.

(4) A list of all Internet identifiers actually used by the person, as required by Section 290.024.

(5) A statement in writing, signed by the person, acknowledging that the person is required to register and update the information in paragraph (4), as required by this chapter.

(6) Notice to the person that, in addition to the requirements of the Act, he or she may have a duty to register in any other state where he or she may relocate.

(7) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official

or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to register but shall furnish proof of residence within 30 days of the date he or she is allowed to register.

(b) Within three days thereafter, the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

(c)(1) If a person fails to register in accordance with subdivision (a) after release, the district attorney in the jurisdiction where the person was to be paroled or to be on probation may request that a warrant be issued for the person's arrest and shall have the authority to prosecute that person pursuant to Section 290.018.

(2) If the person was not on parole or probation or on postrelease community supervision or mandatory supervision at the time of release, the district attorney in the following applicable jurisdiction shall have the authority to prosecute that person pursuant to Section 290.018:

(A) If the person was previously registered, in the jurisdiction in which the person last registered.

(B) If there is no prior registration, but the person indicated on the Department of Justice notice of sex offender registration requirement form where he or she expected to reside, in the jurisdiction where he or she expected to reside.

(C) If neither subparagraph (A) nor (B) applies, in the jurisdiction where the offense subjecting the person to registration pursuant to this Act was committed.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 23, eff. Oct. 13, 2007. Amended by Stats.2011, c. 363 (S.B.756), § 1; Initiative Measure (Prop. 35, § 12, approved Nov. 6, 2012, eff. Nov. 7, 2012); Stats.2016, c. 772 (S.B.448), § 4, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.015, CA PENAL § 290.015

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.016

§ 290.016. Preregistration upon incarceration, placement, commitment, or prior to release on probation

Effective: October 13, 2007

Currentness

(a) On or after January 1, 1998, upon incarceration, placement, or commitment, or prior to release on probation, any person who is required to register under the Act shall preregister. The preregistering official shall be the admitting officer at the place of incarceration, placement, or commitment, or the probation officer if the person is to be released on probation. The preregistration shall consist of all of the following:

(1) A preregistration statement in writing, signed by the person, giving information that shall be required by the Department of Justice.

(2) The fingerprints and a current photograph of the person.

(3) Any person who is preregistered pursuant to this subdivision is required to be preregistered only once.

(b) Within three days thereafter, the preregistering official shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 24, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.016, CA PENAL § 290.016

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.017

§ 290.017. Notification of duty to register prior to release from custody or confinement, or release on probation

Effective: October 13, 2007

Currentness

(a) Any person who is released, discharged, or paroled from a jail, state or federal prison, school, road camp, or other institution where he or she was confined, who is required to register pursuant to the Act, shall, prior to discharge, parole, or release, be informed of his or her duty to register under the Act by the official in charge of the place of confinement or hospital, and the official shall require the person to read and sign any form that may be required by the Department of Justice, stating that the duty of the person to register under the Act has been explained to the person. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of Justice. The official shall at the same time forward a current photograph of the person to the Department of Justice.

(b) The official in charge of the place of confinement or hospital shall give one copy of the form to the person and shall send one copy to the Department of Justice and one copy to the appropriate law enforcement agency or agencies having jurisdiction over the place the person expects to reside upon discharge, parole, or release. If the conviction that makes the person subject to the Act is a felony conviction, the official in charge shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon discharge, parole, or release; one copy to the prosecuting agency that prosecuted the person; and one copy to the Department of Justice. The official in charge of the place of confinement or hospital shall retain one copy.

(c) Any person who is required to register pursuant to the Act and who is released on probation, shall, prior to release or discharge, be informed of the duty to register under the Act by the probation department, and a probation officer shall require the person to read and sign any form that may be required by the Department of Justice, stating that the duty of the person to register has been explained to him or her. The probation officer shall obtain the address where the person expects to reside upon release or discharge and shall report within three days the address to the Department of Justice. The probation officer shall give one copy of the form to the person, send one copy to the Department of Justice, and forward one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release.

(d) Any person who is required to register pursuant to the Act and who is granted conditional release without supervised probation, or discharged upon payment of a fine, shall, prior to release or discharge, be informed of the duty to register under the Act in open court by the court in which the person has been convicted, and the court shall require the person to read and sign any form that may be required by the Department of Justice, stating that the duty of the person to register has been explained to him or her. If the court finds that it is in the interest of the efficiency of the court, the court may assign the bailiff to require the person to read and sign forms under the Act. The court shall obtain the address where the person expects to reside upon

release or discharge and shall report within three days the address to the Department of Justice. The court shall give one copy of the form to the person, send one copy to the Department of Justice, and forward one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 25, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.017, CA PENAL § 290.017

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.018

§ 290.018. Penalties for violation

Effective: January 1, 2017

Currentness

- (a) A person who is required to register under the Act based on a misdemeanor conviction or juvenile adjudication who willfully violates any requirement of the act is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year.
- (b) Except as provided in subdivisions (f), (h), (i), and (k), a person who is required to register under the act based on a felony conviction or juvenile adjudication who willfully violates any requirement of the act or who has a prior conviction or juvenile adjudication for the offense of failing to register under the act and who subsequently and willfully violates any requirement of the act is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.
- (c) If probation is granted or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the person serve at least 90 days in a county jail. The penalty described in subdivision (b) or this subdivision shall apply whether or not the person has been released on parole or has been discharged from parole.
- (d) A person 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 under the act, 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 pursuant to Section 290.008, but who has been found not guilty by reason of insanity, who willfully violates any requirement of the act is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding one year. For any second or subsequent willful violation of any requirement of the act, the person is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.
- (e) If, after discharge from parole, the person is convicted of a felony or suffers a juvenile adjudication as specified in this act, he or she shall be required to complete parole of at least one year, in addition to any other punishment imposed under this section. A person convicted of a felony as specified in this section may be granted probation only in the unusual case where the interests of justice would best be served. When probation is granted under this act, the court shall specify on the record and shall enter into the minutes the circumstances indicating that the interests of justice would best be served by the disposition.
- (f) A person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, and who fails to verify his or her registration every 90 days as required pursuant to subdivision (b) of Section 290.012, shall be punished by imprisonment in the state prison or in a county jail not exceeding one year.

(g) Except as otherwise provided in subdivision (f), a person who is required to register or reregister pursuant to Section 290.011 and willfully fails to comply with the requirement that he or she reregister no less than every 30 days is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for at least 30 days, but not exceeding six months. A person who willfully fails to comply with the requirement that he or she reregister no less than every 30 days shall not be charged with this violation more often than once for a failure to register in any period of 90 days. A person who willfully commits a third or subsequent violation of the requirements of Section 290.011 that he or she reregister no less than every 30 days shall be punished in accordance with either subdivision (a) or (b).

(h) A person who fails to provide proof of residence as required by paragraph (7) of subdivision (a) of Section 290.015, regardless of the offense upon which the duty to register is based, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months.

(i) A person who fails to provide his or her Internet identifiers, as required by paragraph (4) of subdivision (a) of Section 290.015, regardless of the offense upon which the duty to register is based, is guilty of a misdemeanor punishable in a county jail not exceeding six months.

(j) A person who is required to register under the act who willfully violates any requirement of the act is guilty of a continuing offense as to each requirement he or she violated.

(k) In addition to any other penalty imposed under this section, the failure to provide information required on registration and reregistration forms of the Department of Justice, or the provision of false information, is a crime punishable by imprisonment in a county jail for a period not exceeding one year. This subdivision shall not be construed to limit or prevent prosecution under any applicable law.

(l) Whenever a person is released on parole or probation and is required to register under the act but fails to do so within the time prescribed, the parole authority or the court, as the case may be, shall order the parole or probation of the person revoked. For purposes of this subdivision, "parole authority" has the same meaning as described in Section 3000.

#### **Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 26, eff. Oct. 13, 2007. Amended by Stats.2009, c. 60 (S.B.668), § 1; Stats.2011, c. 15 (A.B.109), § 318, eff. April 4, 2011, operative Oct. 1, 2011; Stats.2011, c. 39 (A.B.117), § 13, eff. June 30, 2011, operative Oct. 1, 2011; Stats.2016, c. 772 (S.B.448), § 6, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.018, CA PENAL § 290.018

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.019

§ 290.019. Relief from duty to register for decriminalized sex offenses; procedure for obtaining

Effective: January 1, 2020

Currentness

(a) Notwithstanding any other section in the Act, a person who was convicted before January 1, 1976, under subdivision (a) of Section 286, or former Section 288a, shall not be required to register pursuant to the Act for that conviction if the conviction was for conduct between consenting adults that was decriminalized by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes of 1976. The Department of Justice shall remove that person from the California Sex Offender Registry, and the person is discharged from the person's duty to register pursuant to either of the following procedures:

(1) The person submits to the Department of Justice official documentary evidence, including court records or police reports, that demonstrate that the person's conviction pursuant to either of those sections was for conduct between consenting adults that was decriminalized.

(2) The person submits to the department a declaration stating that the person's conviction pursuant to either of those sections was for consensual conduct between adults that has been decriminalized. The declaration shall be confidential and not a public record, and shall include the person's name, address, telephone number, date of birth, and a summary of the circumstances leading to the conviction, including the date of the conviction and county of the occurrence.

(b) The department shall determine whether the person's conviction was for conduct between consensual adults that has been decriminalized. If the conviction was for consensual conduct between adults that has been decriminalized, and the person has no other offenses for which the person is required to register pursuant to the Act, the department shall, within 60 days of receipt of those documents, notify the person that the person is relieved of the duty to register, and shall notify the local law enforcement agency with which the person is registered that the person has been relieved of the duty to register. The local law enforcement agency shall remove the person's registration from its files within 30 days of receipt of notification. If the documentary or other evidence submitted is insufficient to establish the person's claim, the department shall, within 60 days of receipt of those documents, notify the person that the person's claim cannot be established, and that the person shall continue to register pursuant to the Act. The department shall provide, upon the person's request, any information relied upon by the department in making its determination that the person shall continue to register pursuant to the Act. Any person whose claim has been denied by the department pursuant to this subdivision may petition the court to appeal the department's denial of the person's claim.

#### Credits

(Added by Stats.2007, c. 579 (S.B.172), § 27, eff. Oct. 13, 2007. Amended by Stats.2018, c. 423 (S.B.1494), § 56, eff. Jan. 1, 2019; Stats.2019, c. 497 (A.B.991), § 193, eff. Jan. 1, 2020.)

West's Ann. Cal. Penal Code § 290.019, CA PENAL § 290.019

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.020

§ 290.020. Release of registrant on temporary assignment for  
firefighting or disaster control; notice to local law enforcement agency

Effective: October 13, 2007

Currentness

In any case in which a person who would be required to register pursuant to the Act for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including firefighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This section shall not apply to any person who is temporarily released under guard from the institution where he or she is confined.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 28, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.020, CA PENAL § 290.020

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.021

§ 290.021. Statements, fingerprints, and photographs of registrants;  
inspection limited to peace officers and other law enforcement officers

Effective: October 13, 2007

Currentness

Except as otherwise provided by law, the statements, photographs, and fingerprints required by the Act shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 29, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.021, CA PENAL § 290.021

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.022

§ 290.022. Department of Justice; renovation of Violent Crime Information Network (VCIN) by specified date

Effective: October 13, 2007

Currentness

On or before July 1, 2010, the Department of Justice shall renovate the VCIN to do the following:

- (1) Correct all software deficiencies affecting data integrity and include designated data fields for all mandated sex offender data.
- (2) Consolidate and simplify program logic, thereby increasing system performance and reducing system maintenance costs.
- (3) Provide all necessary data storage, processing, and search capabilities.
- (4) Provide law enforcement agencies with full Internet access to all sex offender data and photos.
- (5) Incorporate a flexible design structure to readily meet future demands for enhanced system functionality, including public Internet access to sex offender information pursuant to Section 290.46.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 30, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.022, CA PENAL § 290.022

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.023

§ 290.023. Scope of Sex Offender Registration Act; retroactive application

Effective: October 13, 2007

Currentness

The registration provisions of the Act are applicable to every person described in the Act, without regard to when his or her crime or crimes were committed or his or her duty to register pursuant to the Act arose, and to every offense described in the Act, regardless of when it was committed.

**Credits**

(Added by Stats.2007, c. 579 (S.B.172), § 31, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.023, CA PENAL § 290.023

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.024

§ 290.024. Registration of Internet identifiers; criteria; “Internet identifier” and “private information” defined

Effective: January 1, 2017

Currentness

For purposes of this chapter:

(a) A person who is convicted of a felony on or after January 1, 2017, requiring registration pursuant to the Act, shall register his or her Internet identifiers if a court determines at the time of sentencing that any of the following apply:

(1) The person used the Internet to collect any private information to identify the victim of the crime to further the commission of the crime.

(2) The person was convicted of a felony pursuant to subdivision (b) or (c) of Section 236.1 and used the Internet to traffic the victim of the crime.

(3) The person was convicted of a felony pursuant to Chapter 7.5 (commencing with Section 311) and used the Internet to prepare, publish, distribute, send, exchange, or download the obscene matter or matter depicting a minor engaging in sexual conduct, as defined in subdivision (d) of Section 311.4.

(b) For purposes of this chapter:

(1) “Internet identifier” means any electronic mail address or user name used for instant messaging or social networking that is actually used for direct communication between users on the Internet in a manner that makes the communication not accessible to the general public. “Internet identifier” does not include Internet passwords, date of birth, social security number, or PIN number.

(2) “Private information” means any information that identifies or describes an individual, including, but not limited to, his or her name; electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication; social security number; account numbers; passwords; personal identification numbers; physical description; physical location; home address; home telephone number; education; financial matters; medical or employment history; and statements made by, or attributed to, the individual.

**Credits**

(Added by Initiative Measure (Prop. 35, § 13, approved Nov. 6, 2012, eff. Nov. 7, 2012). Amended by Stats.2016, c. 772 (S.B.448), § 7, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.024, CA PENAL § 290.024

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.01

§ 290.01. Students or employees of universities, colleges, community colleges, or other institutions of higher learning; additional registration requirements; release of information to campus community

Effective: October 13, 2007

Currentness

(a)(1) Commencing October 28, 2002, every person required to register pursuant to Sections 290 to 290.009, inclusive, of the Sex Offender Registration Act who is enrolled as a student of any university, college, community college, or other institution of higher learning, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher learning, or is carrying on a vocation at the university, college, community college, or other institution of higher learning, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall, in addition to the registration required by the Sex Offender Registration Act, register with the campus police department within five working days of commencing enrollment or employment at that university, college, community college, or other institution of higher learning, on a form as may be required by the Department of Justice. The terms “employed or carries on a vocation” include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the campus police department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university, college, community college, or other institution of higher learning.

(2) For purposes of this section, a campus police department is a police department of the University of California, California State University, or California Community College, established pursuant to Section 72330, 89560, or 92600 of the Education Code, or is a police department staffed with deputized or appointed personnel with peace officer status as provided in Section 830.6 of the Penal Code and is the law enforcement agency with the primary responsibility for investigating crimes occurring on the college or university campus on which it is located.

(b) If the university, college, community college, or other institution of higher learning has no campus police department, the registrant shall instead register pursuant to subdivision (a) with the police of the city in which the campus is located or the sheriff of the county in which the campus is located if the campus is located in an unincorporated area or in a city that has no police department, on a form as may be required by the Department of Justice. The requirements of subdivisions (a) and (b) are in addition to the requirements of the Sex Offender Registration Act.

(c) A first violation of this section is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). A second violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than six months, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine. A third or subsequent violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d)(1)(A) The following information regarding a registered sex offender on campus as to whom information shall not be made available to the public via the Internet Web site as provided in Section 290.46 may be released to members of the campus community by any campus police department or, if the university, college, community college, or other institution of higher learning has no police department, the police department or sheriff's department with jurisdiction over the campus, and any employees of those agencies, as required by Section 1092(f)(1)(I) of Title 20 of the United States Code:

(i) The offender's full name.

(ii) The offender's known aliases.

(iii) The offender's gender.

(iv) The offender's race.

(v) The offender's physical description.

(vi) The offender's photograph.

(vii) The offender's date of birth.

(viii) Crimes resulting in registration under Section 290.

(ix) The date of last registration or reregistration.

(B) The authority provided in this subdivision is in addition to the authority of a peace officer or law enforcement agency to provide information about a registered sex offender pursuant to Section 290.45, and exists notwithstanding Section 290.021 or any other provision of law.

(2) Any law enforcement entity and employees of any law enforcement entity listed in paragraph (1) shall be immune from civil or criminal liability for good faith conduct under this subdivision.

(3) Nothing in this subdivision shall be construed to authorize campus police departments or, if the university, college, community college, or other institution has no police department, the police department or sheriff's department with jurisdiction over the campus, to make disclosures about registrants intended to reach persons beyond the campus community.

(4)(A) Before being provided any information by an agency pursuant to this subdivision, a member of the campus community who requests that information shall sign a statement, on a form provided by the Department of Justice, stating that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that he or she understands it is unlawful to use

information obtained pursuant to this subdivision to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the agency's office for a minimum of five years.

(B) An agency disseminating printed information pursuant to this subdivision shall maintain records of the means and dates of dissemination for a minimum of five years.

(5) For purposes of this subdivision, “campus community” means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses; administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any campus or facility that are regularly frequented by students, employees, or volunteers of the campus.

#### **Credits**

(Added by Stats.2001, c. 544 (A.B.4), § 2. Amended by Stats.2003, c. 634 (A.B.1313), § 2, eff. Sept. 30, 2003; Stats.2004, c. 405 (S.B.1796), § 7; Stats.2005, c. 722 (A.B.1323), § 4, eff. Oct. 7, 2005; Stats.2007, c. 579 (S.B.172), § 32, eff. Oct. 13, 2007.)

West's Ann. Cal. Penal Code § 290.01, CA PENAL § 290.01

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.02

§ 290.02. Preventing use of publicly-funded prescription drugs or therapies to  
treat erectile dysfunction in convicted sex offenders; information disclosure

Effective: October 4, 2005

Currentness

(a) Notwithstanding any other law, the Department of Justice shall identify the names of persons required to register pursuant to Section 290 from a list of persons provided by the requesting agency, and provide those names and other information necessary to verify proper identification, to any state governmental entity responsible for authorizing or providing publicly funded prescription drugs or other therapies to treat erectile dysfunction of those persons. State governmental entities shall use information received pursuant to this section to protect public safety by preventing the use of prescription drugs or other therapies to treat erectile dysfunction by convicted sex offenders.

(b) Use or disclosure of the information disclosed pursuant to this section is prohibited for any purpose other than that authorized by this section or Section 14133.225 of the Welfare and Institutions Code. The Department of Justice may establish a fee for requests, including all actual and reasonable costs associated with the service.

(c) Notwithstanding any other provision of law, any state governmental entity that is responsible for authorizing or providing publicly funded prescription drugs or other therapies to treat erectile dysfunction may use the sex offender database authorized by Section 290.46 to protect public safety by preventing the use of those drugs or therapies for convicted sex offenders.

#### **Credits**

(Added by Stats.2005, c. 469 (A.B.522), § 2, eff. Oct. 4, 2005.)

West's Ann. Cal. Penal Code § 290.02, CA PENAL § 290.02

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.03

§ 290.03. Identification, assessment, monitoring, and containment of sex offenders

Effective: September 20, 2006

Currentness

(a) The Legislature finds and declares that a comprehensive system of risk assessment, supervision, monitoring and containment for registered sex offenders residing in California communities is necessary to enhance public safety and reduce the risk of recidivism posed by these offenders. The Legislature further affirms and incorporates the following findings and declarations, previously reflected in its enactment of “Megan's Law”:

(1) Sex offenders pose a potentially high risk of committing further sex offenses after release from incarceration or commitment, and the protection of the public from reoffending by these offenders is a paramount public interest.

(2) It is a compelling and necessary public interest that the public have information concerning persons convicted of offenses involving unlawful sexual behavior collected pursuant to Sections 290 and 290.4 to allow members of the public to adequately protect themselves and their children from these persons.

(3) Persons convicted of these offenses involving unlawful sexual behavior have a reduced expectation of privacy because of the public's interest in public safety.

(4) In balancing the offenders' due process and other rights against the interests of public security, the Legislature finds that releasing information about sex offenders under the circumstances specified in the Sex Offender Punishment, Control, and Containment Act of 2006 will further the primary government interest of protecting vulnerable populations from potential harm.

(5) The registration of sex offenders, the public release of specified information about certain sex offenders pursuant to Sections 290 and 290.4, and public notice of the presence of certain high risk sex offenders in communities will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems that deal with these offenders.

(6) To protect the safety and general welfare of the people of this state, it is necessary to provide for continued registration of sex offenders, for the public release of specified information regarding certain more serious sex offenders, and for community notification regarding high risk sex offenders who are about to be released from custody or who already reside in communities in this state. This policy of authorizing the release of necessary and relevant information about serious and high risk sex offenders to members of the general public is a means of assuring public protection and shall not be construed as punitive.

(7) The Legislature also declares, however, that in making information available about certain sex offenders to the public, it does not intend that the information be used to inflict retribution or additional punishment on any person convicted of a sex offense. While the Legislature is aware of the possibility of misuse, it finds that the dangers to the public of nondisclosure far outweigh the risk of possible misuse of the information. The Legislature is further aware of studies in Oregon and Washington indicating that community notification laws and public release of similar information in those states have resulted in little criminal misuse of the information and that the enhancement to public safety has been significant.

(b) In enacting the Sex Offender Punishment, Control, and Containment Act of 2006, the Legislature hereby creates a standardized, statewide system to identify, assess, monitor and contain known sex offenders for the purpose of reducing the risk of recidivism posed by these offenders, thereby protecting victims and potential victims from future harm.

**Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 12, eff. Sept. 20, 2006.)

West's Ann. Cal. Penal Code § 290.03, CA PENAL § 290.03

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.04

§ 290.04. State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO); SARATSO review committee

Effective: June 27, 2012

Currentness

(a)(1) The sex offender risk assessment tools authorized by this section for use with selected populations shall be known, with respect to each population, as the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). If a SARATSO has not been selected for a given population pursuant to this section, no duty to administer the SARATSO elsewhere in this code shall apply with respect to that population. Every person required to register as a sex offender shall be subject to assessment with the SARATSO as set forth in this section and elsewhere in this code.

(2) A representative of the Department of Corrections and Rehabilitation, in consultation with a representative of the State Department of State Hospitals and a representative of the Attorney General's office, shall comprise the SARATSO Review Committee. The purpose of the committee, which shall be staffed by the Department of Corrections and Rehabilitation, shall be 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, or is reasonably likely to be, widely accepted by the courts. The committee shall consult with experts in the fields of risk assessment and the use of actuarial instruments in predicting sex offender risk, sex offending, sex offender treatment, mental health, and law, as it deems appropriate.

(b)(1) Commencing January 1, 2007, the SARATSO for adult males required to register as sex offenders shall be the STATIC-99 risk assessment scale, which shall be the SARATSO static tool for adult males.

(2) The SARATSO Review Committee shall determine whether the STATIC-99 should be supplemented with an empirically derived instrument that measures dynamic risk factors or whether the STATIC-99 should be replaced as the SARATSO with a different risk assessment tool. The SARATSO Review Committee shall select an empirically derived instrument that measures dynamic risk factors and an empirically derived instrument that measures risk of future violence. The selected instruments shall be the SARATSO dynamic tool for adult males and the SARATSO future violence tool for adult males. If the committee unanimously agrees on changes to be made to a designated SARATSO, it shall advise the Governor and the Legislature of the changes, and the Department of Corrections and Rehabilitation shall post the decision on its Internet Web site. Sixty days after the decision is posted, the selected tool shall become the SARATSO for adult males.

(c) On or before July 1, 2007, the SARATSO Review Committee shall research risk assessment tools for adult females required to register as sex offenders. If the committee unanimously agrees on an appropriate risk assessment tool to be used to assess this population, it shall advise the Governor and the Legislature of the selected tool, and the State Department of Mental Health shall

post the decision on its Internet Web site. Sixty days after the decision is posted, the selected tool shall become the SARATSO for adult females.

(d) On or before July 1, 2007, the SARATSO Review Committee shall research risk assessment tools for male juveniles required to register as sex offenders. If the committee unanimously agrees on an appropriate risk assessment tool to be used to assess this population, it shall advise the Governor and the Legislature of the selected tool, and the State Department of Mental Health shall post the decision on its Internet Web site. Sixty days after the decision is posted, the selected tool shall become the SARATSO for male juveniles.

(e) On or before July 1, 2007, the SARATSO Review Committee shall research risk assessment tools for female juveniles required to register as sex offenders. If the committee unanimously agrees on an appropriate risk assessment tool to be used to assess this population, it shall advise the Governor and the Legislature of the selected tool, and the State Department of Mental Health shall post the decision on its Internet Web site. Sixty days after the decision is posted, the selected tool shall become the SARATSO for female juveniles.

(f) The committee shall periodically evaluate the SARATSO static, dynamic, and risk of future violence tools for each specified population. If the committee unanimously agrees on a change to the SARATSO for any population, it shall advise the Governor and the Legislature of the selected tool, and the Department of Corrections and Rehabilitation shall post the decision on its Internet Web site. Sixty days after the decision is posted, the selected tool shall become the SARATSO for that population.

(g) The committee shall perform other functions consistent with the provisions of this act or as may be otherwise required by law, including, but not limited to, defining tiers of risk based on the SARATSO. The committee shall be immune from liability for good faith conduct under this act.

#### **Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 13, eff. Sept. 20, 2006. Amended by Stats.2007, c. 579 (S.B.172), § 33, eff. Oct. 13, 2007; Stats.2009, c. 582 (S.B.325), § 1; Stats.2010, c. 219 (A.B.1844), § 10, eff. Sept. 9, 2010; Stats.2011, c. 357 (A.B.813), § 2; Stats.2012, c. 24 (A.B.1470), § 15, eff. June 27, 2012.)

West's Ann. Cal. Penal Code § 290.04, CA PENAL § 290.04

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.05

§ 290.05. SARATSO Training Committee; membership; training program;  
submission of risk level override requests; authorized purposes and administrators

Effective: June 27, 2012

Currentness

(a) The SARATSO Training Committee shall be comprised of a representative of the State Department of State Hospitals, a representative of the Department of Corrections and Rehabilitation, a representative of the Attorney General's Office, and a representative of the Chief Probation Officers of California.

(b) On or before January 1, 2008, the SARATSO Training Committee, in consultation with the Corrections Standards Authority and the Commission on Peace Officer Standards and Training, shall develop a training program for persons authorized by this code to administer the static SARATSO, as set forth in Section 290.04.

(c)(1) The Department of Corrections and Rehabilitation shall be responsible for overseeing the training of persons who will administer the static SARATSO pursuant to paragraph (1) or (2) of subdivision (a) of Section 290.06.

(2) The State Department of State Hospitals shall be responsible for overseeing the training of persons who will administer the static SARATSO pursuant to paragraph (3) of subdivision (a) of Section 290.06.

(3) The Correction Standards Authority shall be responsible for developing standards for the training of persons who will administer the static SARATSO pursuant to paragraph (5) or (6) of subdivision (a) of Section 290.06.

(4) The Commission on Peace Officer Standards and Training shall be responsible for developing standards for the training of persons who will administer the static SARATSO pursuant to subdivision (b) of Section 290.06.

(d) The training shall be conducted by experts in the field of risk assessment and the use of actuarial instruments in predicting sex offender risk. Subject to requirements established by the committee, the Department of Corrections and Rehabilitation, the State Department of State Hospitals, probation departments, and authorized local law enforcement agencies shall designate key persons within their organizations to attend training and, as authorized by the department, to train others within their organizations designated to perform risk assessments as required or authorized by law. Any person who administers the static SARATSO shall receive training no less frequently than every two years.

(e) If the agency responsible for scoring the static SARATSO believes an individual score does not represent the person's true risk level, based on factors in the offender's record, the agency may submit the case to the experts retained by the SARATSO Review Committee to monitor the scoring of the SARATSO. Those experts shall be guided by empirical research in determining whether to raise or lower the risk level. Agencies that score the static SARATSO shall develop a protocol for submission of risk level override requests to the experts retained in accordance with this subdivision.

(f) The static SARATSO may be performed for purposes authorized by statute only by persons trained pursuant to this section. Persons who administer the dynamic SARATSO and the future violence SARATSO shall be trained to administer the dynamic and future violence SARATSO tools as required in Section 290.09. Probation officers or parole agents may be trained by SARATSO experts on the dynamic SARATSO tool and perform assessments on that tool only if authorized by the SARATSO Training Committee to do so after successful completion of training.

#### **Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 14, eff. Sept. 20, 2006. Amended by Stats.2007, c. 579 (S.B.172), § 34, eff. Oct. 13, 2007; Stats.2009, c. 582 (S.B.325), § 2; Stats.2010, c. 219 (A.B.1844), § 11, eff. Sept. 9, 2010; Stats.2010, c. 302 (S.B.5), § 3.5, eff. Sept. 27, 2010; Stats.2012, c. 24 (A.B.1470), § 16, eff. June 27, 2012.)

West's Ann. Cal. Penal Code § 290.05, CA PENAL § 290.05

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.06

§ 290.06. Administration of static SARATSO

Effective: January 1, 2017

Currentness

The static SARATSO, as set forth in Section 290.04, shall be administered as follows:

(a)(1) The Department of Corrections and Rehabilitation shall assess every eligible person who is incarcerated in state prison. Whenever possible, the assessment shall take place at least four months, but no sooner than 10 months, prior to release from incarceration.

(2) The department shall assess every eligible person who is on parole if the person was not assessed prior to release from state prison. Whenever possible, the assessment shall take place at least four months, but no sooner than 10 months, prior to termination of parole. The department shall record in a database the risk assessment scores of persons assessed pursuant to this paragraph and paragraph (1), and any risk assessment score that was submitted to the department by a probation officer pursuant to Section 1203.

(3) The department shall assess every person on parole transferred from any other state or by the federal government to this state who has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would have been punishable as one or more of the offenses described in subdivision (c) of Section 290. The assessment required by this paragraph shall occur no later than 60 days after a determination by the Department of Justice that the person is required to register as a sex offender in California pursuant to Section 290.005.

(4) The State Department of State Hospitals shall assess every eligible person who is committed to that department. Whenever possible, the assessment shall take place at least four months, but no sooner than 10 months, prior to release from commitment. The State Department of State Hospitals shall record in a database the risk assessment scores of persons assessed pursuant to this paragraph and any risk assessment score that was submitted to the department by a probation officer pursuant to Section 1203.

(5) Commencing January 1, 2010, the Department of Corrections and Rehabilitation and the State Department of State Hospitals shall send the scores obtained in accordance with paragraphs (2), (3), and (4) to the Department of Justice not later than 30 days after the date of the assessment. The risk assessment score of an offender shall be made part of his or her file maintained by the Department of Justice as soon as possible without financial impact, but no later than January 1, 2012.

(6) Each probation department shall, prior to sentencing, assess every eligible person as defined in subdivision (c), whether or not a report is prepared pursuant to Section 1203.

(7) Each probation department shall assess every eligible person under its supervision who was not assessed pursuant to paragraph (6). The assessment shall take place prior to the termination of probation, but no later than January 1, 2010.

(b) Eligible persons not assessed pursuant to subdivision (a) may be assessed as follows:

(1) Upon request of the law enforcement agency in the jurisdiction in which the person is registered pursuant to Sections 290 to 290.023, inclusive, the person shall be assessed. The law enforcement agency may enter into a memorandum of understanding with a probation department to perform the assessment. In the alternative, the law enforcement agency may arrange to have personnel trained to perform the risk assessment in accordance with subdivision (d) of Section 290.05.

(2) Eligible persons not assessed pursuant to subdivision (a) may request that a risk assessment be performed. A request form shall be available at registering law enforcement agencies. The person requesting the assessment shall pay a fee for the assessment that shall be sufficient to cover the cost of the assessment. The risk assessment so requested shall be performed either by the probation department, if a memorandum of understanding is established between the law enforcement agency and the probation department, or by personnel who have been trained to perform risk assessment in accordance with subdivision (d) of Section 290.05.

(c) For purposes of this section, “eligible person” means a person who was convicted of an offense that requires him or her to register as a sex offender pursuant to the Sex Offender Registration Act and who is eligible for assessment, pursuant to the official Coding Rules designated for use with the risk assessment instrument by the author of any risk assessment instrument (SARATSO) selected by the SARATSO Review Committee.

(d) Persons authorized to perform risk assessments pursuant to this section, Section 1203, and Section 706 of the Welfare and Institutions Code shall be immune from liability for good faith conduct under this act.

#### **Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 15, eff. Sept. 20, 2006. Amended by Stats.2009, c. 582 (S.B.325), § 3; Stats.2010, c. 219 (A.B.1844), § 12, eff. Sept. 9, 2010; Stats.2010, c. 709 (S.B.1062), § 11; Stats.2010, c. 710 (S.B.1201), § 1.7; Stats.2012, c. 24 (A.B.1470), § 17, eff. June 27, 2012; Stats.2016, c. 59 (S.B.1474), § 1, eff. Jan. 1, 2017.)

West's Ann. Cal. Penal Code § 290.06, CA PENAL § 290.06

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.07

§ 290.07. Access to sex offender records by persons authorized to  
administer SARATSO or authorized to train, monitor, or review scoring

Effective: January 1, 2023

Currentness

Notwithstanding any other provision of law, a person authorized by statute to administer the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) and trained pursuant to Section 290.06 or 290.09, and a person acting under authority from the SARATSO Review Committee as an expert to train, monitor, or review scoring by persons who administer the SARATSO pursuant to Section 290.05 or 1203 of this code or Section 706 of the Welfare and Institutions Code, shall be granted access to all relevant records pertaining to a registered sex offender, including, but not limited to, criminal histories, sex offender registration records, police reports, probation and presentencing reports, judicial records and case files, juvenile records, psychological evaluations and psychiatric hospital reports, sexually violent predator treatment program reports, and records that have been sealed by the courts or the Department of Justice. Records and information obtained under this section shall not be subject to the California Public Records Act, Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code.

#### **Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 16, eff. Sept. 20, 2006. Amended by Stats.2009, c. 582 (S.B.325), § 4; Stats.2012, c. 174 (A.B.1835), § 1; Stats.2021, c. 615 (A.B.474), § 332, eff. Jan. 1, 2022, operative Jan. 1, 2023.)

West's Ann. Cal. Penal Code § 290.07, CA PENAL § 290.07

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.08

§ 290.08. Retention of registered sex offender records; time period

Effective: September 20, 2006

Currentness

Every district attorney's office and the Department of Justice shall retain records relating to a person convicted of an offense for which registration is required pursuant to Section 290 for a period of 75 years after disposition of the case.

**Credits**

(Added by Stats.2006, c. 337 (S.B.1128), § 17, eff. Sept. 20, 2006.)

West's Ann. Cal. Penal Code § 290.08, CA PENAL § 290.08

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.09

§ 290.09. Administration of SARATSO dynamic tool and SARATSO future violence tool

Effective: January 1, 2025

Currentness

On or before July 2012, the SARATSO dynamic tool and the SARATSO future violence tool, as set forth in Section 290.04, shall be administered as follows:

(a)(1) Every sex offender required to register pursuant to Sections 290 to 290.023, inclusive, shall, while on parole or formal probation, participate in an approved sex offender management program pursuant to Sections 1203.067 and 3008.

(2) The sex offender management program shall meet the certification requirements developed by the California Sex Offender Management Board pursuant to Section 9003. Probation departments and the Department of Corrections and Rehabilitation shall not employ or contract with, and shall not allow a sex offender to employ or contract with, an individual or entity to provide sex offender evaluation or treatment services pursuant to this section unless the sex offender evaluation or treatment services to be provided by the individual or entity conform with the standards developed pursuant to Section 9003.

(b)(1) The sex offender management professionals certified by the California Sex Offender Management Board in accordance with Section 9003 who provide sex offender management programs for a probation department or the Department of Corrections and Rehabilitation shall assess each registered sex offender on formal probation or parole using the SARATSO dynamic tool when a dynamic risk factor changes and shall do a final dynamic assessment within six months of the offender's release from supervision. The management professional shall also assess the sex offenders in the program with the SARATSO future violence tool.

(2) The certified sex offender management professional shall, as soon as possible but not later than 30 days after the assessment, provide the person's score on the SARATSO dynamic tool and the future violence tool to the person's parole agent or probation officer. Within 30 days of the assessment, a certified sex offender management professional shall send the score to the Department of Justice using the dynamic and violence risk assessment tool database used by SARATSO. The score shall be accessible to law enforcement through the Department of Justice's internet website for the California Sex and Arson Registry (CSAR).

(c) The certified sex offender management professional shall communicate with the offender's probation officer or parole agent on a regular basis, but at least once a month, about the offender's progress in the program and dynamic risk assessment issues and shall share pertinent information with the certified polygraph examiner as required.

(d) The SARATSO Training Committee shall provide annual training on the SARATSO dynamic tool and the SARATSO future violence tool. Certified sex offender management professionals shall attend this training once to obtain authorization to perform the assessments and thereafter attend training updates as required by the SARATSO Training Committee. If a sex offender management professional is certified pursuant to Section 9003 to conduct an approved sex offender management program prior to attending SARATSO training on the dynamic and violent risk assessment tools, they shall present to the SARATSO Training Committee proof of training on these tools from a risk assessment expert approved by the SARATSO Training Committee.

**Credits**

(Added by Stats.2010, c. 219 (A.B.1844), § 13, eff. Sept. 9, 2010. Amended by Stats.2010, c. 302 (S.B.5), § 4, eff. Sept. 27, 2010; Stats.2011, c. 357 (A.B.813), § 3; Stats.2024, c. 191 (S.B.1473), § 1, eff. Jan. 1, 2025.)

West's Ann. Cal. Penal Code § 290.09, CA PENAL § 290.09

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.1

§ 290.1. Repealed by Stats.2005, c. 704 (A.B.439), § 2

Effective: January 1, 2006

Currentness

West's Ann. Cal. Penal Code § 290.1, CA PENAL § 290.1

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code 290.2

§ 290.2. Repealed by Stats.1998, c. 696 (A.B.1332), § 1

Currentness

West's Ann. Cal. Penal Code 290.2, CA PENAL 290.2

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.3

§ 290.3. Conviction of specified sex offenses; fine; disposition of moneys

Effective: January 1, 2009

Currentness

(a) Every person who is convicted of any offense specified in subdivision (c) of Section 290 shall, in addition to any imprisonment or fine, or both, imposed for commission of the underlying offense, be punished by a fine of three hundred dollars (\$300) upon the first conviction or a fine of five hundred dollars (\$500) upon the second and each subsequent conviction, unless the court determines that the defendant does not have the ability to pay the fine.

An amount equal to all fines collected pursuant to this subdivision during the preceding month upon conviction of, or upon the forfeiture of bail by, any person arrested for, or convicted of, committing an offense specified in subdivision (c) of Section 290, shall be transferred once a month by the county treasurer to the Controller for deposit in the General Fund. Moneys deposited in the General Fund pursuant to this subdivision shall be transferred by the Controller as provided in subdivision (b).

(b) Except as provided in subdivision (d), out of the moneys deposited pursuant to subdivision (a) as a result of second and subsequent convictions of Section 290, one-third shall first be transferred to the Department of Justice Sexual Habitual Offender Fund, as provided in paragraph (1) of this subdivision. Out of the remainder of all moneys deposited pursuant to subdivision (a), 50 percent shall be transferred to the Department of Justice Sexual Habitual Offender Fund, as provided in paragraph (1), 25 percent shall be transferred to the DNA Identification Fund, as established by Section 76104.6 of the Government Code, and 25 percent shall be allocated equally to counties that maintain a local DNA testing laboratory, as provided in paragraph (2).

(1) Those moneys so designated shall be transferred to the Department of Justice Sexual Habitual Offender Fund created pursuant to paragraph (5) of subdivision (b) of Section 11170 and, when appropriated by the Legislature, shall be used for the purposes of Chapter 9.5 (commencing with Section 13885) and Chapter 10 (commencing with Section 13890) of Title 6 of Part 4 for the purpose of monitoring, apprehending, and prosecuting sexual habitual offenders.

(2) Those moneys so designated shall be allocated equally and distributed quarterly to counties that maintain a local DNA testing laboratory. Before making any allocations under this paragraph, the Controller shall deduct the estimated costs that will be incurred to set up and administer the payment of these funds to the counties. Any funds allocated to a county pursuant to this paragraph shall be used by that county for the exclusive purpose of testing DNA samples for law enforcement purposes.

(c) Notwithstanding any other provision of this section, the Department of Corrections and Rehabilitation may collect a fine imposed pursuant to this section from a person convicted of a violation of any offense listed in subdivision (c) of Section 290, that results in incarceration in a facility under the jurisdiction of the Department of Corrections and Rehabilitation. All moneys

collected by the Department of Corrections and Rehabilitation under this subdivision shall be transferred, once a month, to the Controller for deposit in the General Fund, as provided in subdivision (a), for transfer by the Controller, as provided in subdivision (b).

(d) An amount equal to one-third of every first conviction fine collected and one-fifth of every second conviction fine collected pursuant to subdivision (a) shall be transferred to the Department of Corrections and Rehabilitation to help defray the cost of the global positioning system used to monitor sex offender parolees.

**Credits**

(Added by Stats.1988, c. 1134, § 1. Amended by Stats.1992, c. 1338 (S.B.1184), § 1; Stats.1993, c. 589 (A.B.2211), § 110; Stats.1994, c. 866 (A.B.304), § 1; Stats.1994, c. 867 (A.B.2500), § 3.5; Stats.1995, c. 91 (S.B.975), § 121; Stats.2006, c. 69 (A.B.1806), § 27, eff. July 12, 2006; Stats.2006, c. 337 (S.B.1128), § 18, eff. Sept. 20, 2006; Initiative Measure (Prop. 83, § 7, approved Nov. 7, 2006, eff. Nov. 8, 2006); Stats.2007, c. 579 (S.B.172), § 35, eff. Oct. 13, 2007; Stats.2008, c. 699 (S.B.1241), § 9.)

West's Ann. Cal. Penal Code § 290.3, CA PENAL § 290.3

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.4

§ 290.4. Sex offender registration; inquiries; fees; income deposit; violations; penalties

Effective: October 1, 2011

Currentness

(a) The department shall operate a service through which members of the public may provide a list of at least six persons on a form approved by the Department of Justice and inquire whether any of those persons is required to register as a sex offender and is subject to public notification. The Department of Justice shall respond with information on any person as to whom information may be available to the public via the Internet Web site as provided in Section 290.46, to the extent that information may be disclosed pursuant to Section 290.46. The Department of Justice may establish a fee for requests, including all actual and reasonable costs associated with the service.

(b) The income from the operation of the service specified in subdivision (a) shall be deposited in the Sexual Predator Public Information Account within the Department of Justice for the purpose of the implementation of this section by the Department of Justice.

The moneys in the account shall consist of income from the operation of the service authorized by subdivision (a), and any other funds made available to the account by the Legislature. Moneys in the account shall be available to the Department of Justice upon appropriation by the Legislature for the purpose specified in subdivision (a).

(c)(1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment pursuant to subdivision (h) of Section 1170.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(d)(1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

(H) Benefits, privileges, or services provided by any business establishment.

(3) This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(4)(A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars (\$25,000).

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the service specified in subdivision (a), in violation of paragraph (2), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse of the service is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(e) The Department of Justice and its employees shall be immune from liability for good faith conduct under this section.

(f) The public notification provisions of this section are applicable to every person described in subdivision (a), without regard to when his or her crimes were committed or his or her duty to register pursuant to Section 290 arose, and to every offense subject to public notification pursuant to Section 290.46, regardless of when it was committed.

#### **Credits**

(Added by Stats.1994, c. 867 (A.B.2500), § 4, operative July 1, 1995. Amended by Stats.1995, c. 85 (A.B.173), § 2; Stats.1995, c. 840 (S.B.295), § 3; Stats.1996, c. 908 (A.B.1562), § 3, eff. Sept. 25, 1996; Stats.1997, c. 17 (S.B.947), § 97; Stats.1997, c.



817 (A.B.59), § 4; Stats.1997, c. 819 (S.B.314), § 2; Stats.1997, c. 821 (A.B.290), § 4, eff. Oct. 9, 1997; Stats.1997, c. 822 (S.B.1078), § 1.7; Stats.1998, c. 485, (A.B.2803), § 130; Stats.1998, c. 550 (A.B.2799), § 1; Stats.1998, c. 929 (A.B.1745), § 2.5; Stats.1999, c. 730 (S.B.1275), § 2; Stats.2000, c. 648 (A.B.1340), § 2; Stats.2002, c. 118 (S.B.1965), § 1; Stats.2003, c. 538 (S.B.356), § 2; Stats.2003, c. 634 (A.B.1313), § 3.1, eff. Sept. 30, 2003; Stats.2004, c. 731 (S.B.1289), § 2; Stats.2005, c. 279 (S.B.1107), § 4; Stats.2005, c. 722 (A.B.1323), § 5, eff. Oct. 7, 2005; Stats.2009, c. 35 (S.B.174), § 7; Stats.2011, c. 15 (A.B.109), § 319, eff. April 4, 2011, operative Oct. 1, 2011.)

West's Ann. Cal. Penal Code § 290.4, CA PENAL § 290.4

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.45

§ 290.45. Information to be provided to enumerated persons, agencies or organizations by law enforcement agency that a registered sex offender is likely to encounter in order to protect the public; information to be disclosed; releasing information with respect to high-risk sex offenders; immunity from liability; illegal use of information

Effective: January 1, 2021

Currentness

(a)(1) Notwithstanding any other law, and except as provided in paragraph (2), any designated law enforcement entity may provide information to the public about a person required to register as a sex offender pursuant to Section 290, by whatever means the entity deems appropriate, when necessary to ensure the public safety based upon information available to the entity concerning that specific person's current risk of sexual or violent reoffense, including, but not limited to, the person's static, dynamic, and violence risk levels on the SARATSO risk tools described in subdivision (f) of Section 290.04.

(2) The law enforcement entity shall include, with the disclosure, a statement that the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders.

(3) Community notification by way of an Internet Web site shall be governed by Section 290.46, and a designated law enforcement entity may not post on an Internet Web site any information identifying an individual as a person required to register as a sex offender except as provided in that section unless there is a warrant outstanding for that person's arrest.

(b) Information that may be provided pursuant to subdivision (a) may include, but is not limited to, the offender's name, known aliases, gender, race, physical description, photograph, date of birth, address, which shall be verified prior to publication, description and license plate number of the offender's vehicles or vehicles the offender is known to drive, type of victim targeted by the offender, relevant parole or probation conditions, crimes resulting in classification under this section, and date of release from confinement, but excluding information that would identify the victim. It shall not include any Internet identifier submitted pursuant to this chapter.

(c)(1) The designated law enforcement entity may authorize persons and entities who receive the information pursuant to this section to disclose information to additional persons only if the entity determines that disclosure to the additional persons will enhance the public safety and identifies the appropriate scope of further disclosure. A law enforcement entity may not authorize any disclosure of this information by placing that information on an Internet Web site, and shall not authorize disclosure of Internet identifiers submitted pursuant to this chapter, except as provided in subdivision (h).

(2) A person who receives information from a law enforcement entity pursuant to paragraph (1) may disclose that information only in the manner and to the extent authorized by the law enforcement entity.

(d)(1) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.

(2) A public or private educational institution, a day care facility, or a child care custodian described in Section 11165.7, or an employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to subdivision (c) shall be immune from civil liability.

(e)(1) A person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment pursuant to subdivision (h) of Section 1170.

(2) A person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(f) For purposes of this section, “designated law enforcement entity” means the Department of Justice, a district attorney, the Department of Corrections and Rehabilitation, the Division of Juvenile Justice, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.

(g) The public notification provisions of this section are applicable to every person required to register pursuant to Section 290, without regard to when his or her crimes were committed or his or her duty to register pursuant to Section 290 arose, and to each offense described in Section 290, regardless of when it was committed.

(h)(1) Notwithstanding any other law, a designated law enforcement entity shall only use an Internet identifier submitted pursuant to this chapter, or release that Internet identifier to another law enforcement entity, for the purpose of investigating a sex-related crime, a kidnapping, or human trafficking.

(2) A designated law enforcement entity shall not disclose or authorize persons or entities to disclose an Internet identifier submitted pursuant to this chapter to the public or other persons, except as required by court order.

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

#### **Credits**

(Added by Stats.2017, c. 541 (S.B.384), § 8, eff. Jan. 1, 2018, operative Jan. 1, 2021.)

West's Ann. Cal. Penal Code § 290.45, CA PENAL § 290.45

Current with all laws through Ch. 790 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025.

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 § 290.46

§ 290.46. Sex offender information made available to public via internet website; ongoing updates; information included and restricted; offenses and offenders included; notification; misuse of information

Effective: January 1, 2023

Currentness

(a)(1) On or before the dates specified in this section, the Department of Justice shall make available information concerning persons who are required to register pursuant to Section 290 to the public via an internet website as specified in this section. The department shall update the internet website on an ongoing basis. All information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the internet website. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the internet website. The internet website shall be translated into languages other than English as determined by the department.

(2)(A) On or before July 1, 2010, the Department of Justice shall make available to the public, via an internet website as specified in this section, as to any person described in subdivision (b), the following information:

(i) The year of conviction of the person's most recent offense requiring registration pursuant to Section 290.

(ii) The year the person was released from incarceration for that offense.

However, no year of conviction shall be made available to the public unless the department also is able to make available the corresponding year of release of incarceration for that offense, and the required notation regarding any subsequent felony.

(B)(i) Any state facility that releases from incarceration a person who was incarcerated because of a crime for which the person is required to register as a sex offender pursuant to Section 290 shall, within 30 days of release, provide the year of release for the person's most recent offense requiring registration to the Department of Justice in a manner and format approved by the department.

(ii) Any state facility that releases a person who is required to register pursuant to Section 290 from incarceration whose incarceration was for a felony committed subsequently to the offense for which the person is required to register shall, within 30 days of release, advise the Department of Justice of that fact.

(iii) Any state facility that, prior to January 1, 2007, released from incarceration a person who was incarcerated because of a crime for which the person is required to register as a sex offender pursuant to Section 290 shall provide the year of release for the person's most recent offense requiring registration to the Department of Justice in a manner and format approved by the department. The information provided by the Department of Corrections and Rehabilitation shall be limited to information that is currently maintained in an electronic format.

(iv) Any state facility that, prior to January 1, 2007, released a person who is required to register pursuant to Section 290 from incarceration whose incarceration was for a felony committed subsequently to the offense for which the person is required to register shall advise the Department of Justice of that fact in a manner and format approved by the department. The information provided by the Department of Corrections and Rehabilitation shall be limited to information that is currently maintained in an electronic format.

(3) The State Department of State Hospitals shall provide to the Department of Justice the names of all persons committed to its custody pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, within 30 days of commitment, and shall provide the names of all of those persons released from its custody within five working days of release.

(b)(1) With respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is otherwise described in, paragraph (2), or who is a tier three offender as described in paragraph (3) of subdivision (d) of Section 290, the Department of Justice shall make available to the public via the internet website the person's name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, prior adjudication as a sexually violent predator, the address at which the person resides, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a), except that information about persons required to register as a result of an adjudication as a ward of the juvenile court pursuant to Section 290.008 shall not be made available on the internet website. The department shall also make available to the public via the internet website the person's static SARATSO risk level, if any, and information on an elevated risk level based on the SARATSO future violence tool. Any registrant whose information is listed on the public internet website on January 1, 2022, by the Department of Justice pursuant to this subdivision, may continue to be included on the public internet website while the registrant is placed in the tier-to-be-determined category described in paragraph (5) of subdivision (d) of Section 290.

(2) This subdivision shall apply to the following offenses and offenders:

(A) 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.

(B) Section 207 committed with intent to violate Section 261, 286, 287, 288, or 289, or former Section 288a.

(C) Section 209 committed with intent to violate Section 261, 286, 287, 288, or 289, or former Section 288a.

(D) Paragraph (2) or (6) of subdivision (a) of Section 261.

(E) Section 264.1.

(F) Section 269.

(G) Subdivision (c) or (d) of Section 286.

(H) Subdivision (a), (b), or (c) of Section 288, provided that the offense is a felony.

(I) Subdivision (c) or (d) of Section 287 or of former Section 288a.

(J) Section 288.3, provided that the offense is a felony.

(K) Section 288.4, provided that the offense is a felony.

(L) Section 288.5.

(M) Subdivision (a) or (j) of Section 289.

(N) Section 288.7.

(O) Any person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code.

(P) A felony violation of Section 311.1.

(Q) A felony violation of subdivision (b), (c), or (d) of Section 311.2.

(R) A felony violation of Section 311.3.

(S) A felony violation of subdivision (a), (b), or (c) of Section 311.4.

(T) Section 311.10.

(U) A felony violation of Section 311.11.

(V) A tier three offender, as described in paragraph (3) of subdivision (d) of Section 290.

(c)(1) With respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is otherwise described in, paragraph (2) of subdivision (d) of Section 290 and who is a tier two offender, and with respect to a person who has been convicted of the commission or the attempted commission of Section 647.6, the Department of Justice shall make available to the public via the internet website the person's name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a) or the address at which the person resides, except that information about persons required to register as a result of an adjudication as a ward of the juvenile court pursuant to Section 290.008 shall not be made available on the internet website. Any registrant whose information is listed on the public internet website on January 1, 2022, by the Department of Justice pursuant to this subdivision may continue to be included on the public internet website while the registrant is placed in the tier-to-be-determined category described in paragraph (5) of subdivision (d) of Section 290.

(2) Any registrant whose information was not included on the public internet website on January 1, 2022, and who is placed in the tier-to-be-determined category described in paragraph (5) of subdivision (d) of Section 290 may have the information described in this subdivision made available to the public via the public internet website.

(d)(1)(A) An offender who is required to register pursuant to the Sex Offender Registration Act may apply for exclusion from the internet website if the offender demonstrates that the person's only registerable offense is either of the following:

(i) An offense for which the offender successfully completed probation, provided that the offender submits to the department a certified copy of a probation report, presentencing report, report prepared pursuant to Section 288.1, or other official court document that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent and that the crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object.

(ii) An offense for which the offender is on probation at the time of the offender's application, provided that the offender submits to the department a certified copy of a probation report, presentencing report, report prepared pursuant to Section 288.1, or other official court document that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent and that the crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object.

(B) If, subsequent to the offender's application, the offender commits a violation of probation resulting in the offender's incarceration in county jail or state prison, the offender's exclusion, or application for exclusion, from the internet website shall be terminated.

(C) For the purposes of this paragraph, "successfully completed probation" means that during the period of probation the offender neither received additional county jail or state prison time for a violation of probation nor was convicted of another offense resulting in a sentence to county jail or state prison.

(2) If the department determines that a person who was granted an exclusion under a former version of this subdivision would not qualify for an exclusion under the current version of this subdivision, the department shall rescind the exclusion, make a reasonable effort to provide notification to the person that the exclusion has been rescinded, and, no sooner than 30 days after

notification is attempted, make information about the offender available to the public on the internet website as provided in this section.

(3) Effective January 1, 2012, no person shall be excluded pursuant to this subdivision unless the offender has submitted to the department documentation sufficient for the department to determine that the person has a SARATSO risk level of average, below average, or very low as determined by the Coding Rules for the SARATSO static risk assessment instrument.

(e)(1) A designated law enforcement entity, as defined in subdivision (f) of Section 290.45, may make available information concerning persons who are required to register pursuant to Section 290 to the public via an internet website as specified in paragraph (2), provided that the information about that person is also displayed on the Department of Justice's Megan's Law internet website.

(2) The law enforcement entity may make available by way of an internet website the information described in subdivision (c) if it determines that the public disclosure of the information about a specific offender by way of the entity's internet website is necessary to ensure the public safety based upon information available to the entity concerning the current risk posed by a specific offender, including the offender's risk of sexual or violent reoffense, as indicated by the person's SARATSO static, dynamic, and violence risk levels, as described in Section 290.04, if available.

(3) The information that may be provided pursuant to this subdivision may include the information specified in subdivision (b) of Section 290.45. However, that offender's address may not be disclosed unless the offender is a person whose address is on the Department of Justice's internet website pursuant to subdivision (b).

(f) For purposes of this section, "offense" includes the statutory predecessors of that offense, or any offense committed in another jurisdiction that, if committed or attempted to be committed in this state, would have been punishable in this state as an offense listed in subdivision (c) of Section 290.

(g) Notwithstanding Section 7921.505 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(h)(1) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than ten thousand dollars (\$10,000) and not more than fifty thousand dollars (\$50,000).

(2) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment pursuant to subdivision (h) of Section 1170.

(i) Any person who is required to register pursuant to Section 290 who enters an internet website established pursuant to this section shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail for a period not to exceed six months, or by both that fine and imprisonment.

(j)(1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.



(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

(H) Benefits, privileges, or services provided by any business establishment.

(3) This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 8808 of the Family Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(4)(A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars (\$25,000).

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an internet website established pursuant to this section in violation of paragraph (2), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(k) The public notification provisions of this section are applicable to every person described in this section, without regard to when the person's crimes were committed or the person's duty to register pursuant to Section 290 arose, and to every offense described in this section, regardless of when it was committed.

(l) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.

(m) The Attorney General, in collaboration with local law enforcement and others knowledgeable about sex offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered sex offenders to further public safety. These strategies may include, but are not limited to, a hotline for community inquiries, neighborhood and business guidelines for how to respond to information posted on this internet website, and any other resource that promotes public education about these offenders.

(n) This section shall become operative on January 1, 2022.

#### **Credits**

(Added by Stats.2017, c. 541 (S.B.384), § 10, eff. Jan. 1, 2018, operative Jan. 1, 2022. Amended by Stats.2018, c. 423 (S.B.1494), § 58, eff. Jan. 1, 2019, operative Jan. 1, 2022; Stats.2021, c. 615 (A.B.474), § 333, eff. Jan. 1, 2022, operative Jan. 1, 2023.)

West's Ann. Cal. Penal Code § 290.46, CA PENAL § 290.46

Current with all laws through Ch. 790 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025.

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 § 290.47

§ 290.47. Recording addresses of registered sex offenders with unique identifiers

Effective: January 1, 2012

Currentness

The Department of Justice shall record the address at which a registered sex offender resides with a unique identifier for the address. The information for this identifier shall be captured pursuant to Section 290.015 and the identifier shall consist of a description of the nature of the dwelling, with the choices of a single family residence, an apartment/condominium, a motel/hotel, or a licensed facility. Each address and its association with any specific registered sex offender shall be stored by the department in the same database as the registration data recorded pursuant to Section 290.015. The department shall make that information available to the State Department of Social Services or any other state agency when the agency needs the information for law enforcement purposes relating to investigative responsibilities relative to sex offenders. This section shall become operative on January 1, 2012.

#### **Credits**

(Added by Stats.2009, c. 55 (S.B.583), § 1, operative Jan. 1, 2012.)

West's Ann. Cal. Penal Code § 290.47, CA PENAL § 290.47

Current with all laws through Ch. 790 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025.

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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 § 290.5

§ 290.5. Termination of mandated minimum registration period; petition for termination from sex offender registry; time for repetition after denial of petition

Effective: July 1, 2021

Currentness

(a)(1) A person who is required to register pursuant to Section 290 and who is a tier one or tier two offender may file a petition in the superior court in the county in which the person is registered for termination from the sex offender registry on or after their next birthday after July 1, 2021, following the expiration of the person's mandated minimum registration period, or if the person is required to register pursuant to Section 290.008, the person may file the petition in juvenile court on or after their next birthday after July 1, 2021, following the expiration of the mandated minimum registration period. The petition shall contain proof of the person's current registration as a sex offender.

(2) The petition shall be served on the registering law enforcement agency and the district attorney in the county where the petition is filed and on the law enforcement agency and the district attorney of the county of conviction of a registerable offense if different than the county where the petition is filed. The registering law enforcement agency shall report receipt of service of a filed petition to the Department of Justice in a manner prescribed by the department. The registering law enforcement agency and the law enforcement agency of the county of conviction of a registerable offense if different than the county where the petition is filed shall, within 60 days of receipt of the petition, report to the district attorney and the superior or juvenile court in which the petition is filed regarding whether the person has met the requirements for termination pursuant to subdivision (e) of Section 290. If an offense which may require registration pursuant to Section 290.005 is identified by the registering law enforcement agency which has not previously been assessed by the Department of Justice, the registering law enforcement agency shall refer that conviction to the department for assessment and determination of whether the conviction changes the tier designation assigned by the department to the offender. If the newly discovered offense changes the tier designation for that person, the department shall change the tier designation pursuant to subdivision (d) of Section 290 within three months of receipt of the request by the registering law enforcement agency and notify the registering law enforcement agency. If more time is required to obtain the documents needed to make the assessment, the department shall notify the registering law enforcement agency of the reason that an extension of time is necessary to complete the tier designation. The registering law enforcement agency shall report to the district attorney and the court that the department has requested an extension of time to determine the person's tier designation based on the newly discovered offense, the reason for the request, and the estimated time needed to complete the tier designation. The district attorney in the county where the petition is filed may, within 60 days of receipt of the report from either the registering law enforcement agency, the law enforcement agency of the county of conviction of a registerable offense if different than the county where the petition is filed, or the district attorney of the county of conviction of a registerable offense, request a hearing on the petition if the petitioner has not fulfilled the requirement described in subdivision (e) of Section 290, or if community safety would be significantly enhanced by the person's continued registration. If no hearing is requested, the petition for termination shall be granted if the court finds the required proof of current registration is presented in the petition, provided that the registering agency reported that the person met the requirement for termination pursuant to

subdivision (e) of Section 290, there are no pending charges against the person which could extend the time to complete the registration requirements of the tier or change the person's tier status, and the person is not in custody or on parole, probation, or supervised release. The court may summarily deny a petition if the court determines the petitioner does not meet the statutory requirements for termination of sex offender registration or if the petitioner has not fulfilled the filing and service requirements of this section. In summarily denying a petition the court shall state the reason or reasons the petition is being denied.

(3) If the district attorney requests a hearing, the district attorney shall be entitled to present evidence regarding whether community safety would be significantly enhanced by requiring continued registration. In determining whether to order continued registration, the court shall consider: the nature and facts of the registerable offense; the age and number of victims; whether any victim was a stranger at the time of the offense (known to the offender for less than 24 hours); criminal and relevant noncriminal behavior before and after conviction for the registerable offense; the time period during which the person has not reoffended; successful completion, if any, of a Sex Offender Management Board-certified sex offender treatment program; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if available. Any judicial determination made pursuant to this section may be heard and determined upon declarations, affidavits, police reports, or any other evidence submitted by the parties which is reliable, material, and relevant.

(4) If termination from the registry is denied, the court shall set the time period after which the person can repetition for termination, which shall be at least one year from the date of the denial, but not to exceed five years, based on facts presented at the hearing. The court shall state on the record the reason for its determination setting the time period after which the person may repetition.

(5) The court shall notify the Department of Justice, California Sex Offender Registry, when a petition for termination from the registry is granted, denied, or summarily denied, in a manner prescribed by the department. If the petition is denied, the court shall also notify the Department of Justice, California Sex Offender Registry, of the time period after which the person can file a new petition for termination.

(b)(1) A person required to register as a tier two offender, pursuant to paragraph (2) of subdivision (d) of Section 290, may petition the superior court for termination from the registry after 10 years from release from custody on the registerable offense if all of the following apply: (A) the registerable offense involved no more than one victim 14 to 17 years of age, inclusive; (B) the offender was under 21 years of age at the time of the offense; (C) the registerable offense is not specified in subdivision (c) of Section 667.5, except subdivision (a) of Section 288; and (D) the registerable offense is not specified in Section 236.1.

(2) A tier two offender described in paragraph (1) may file a petition with the superior court for termination from the registry only if the person has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667.5 since the person was released from custody on the offense requiring registration pursuant to Section 290, and has registered for 10 years pursuant to subdivision (e) of Section 290. The court shall determine whether community safety would be significantly enhanced by requiring continued registration and may consider the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; the nature of the registerable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registerable offense; whether the offender has successfully completed a Sex Offender Management Board-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if known. If the petition is denied, the person may not repetition for termination for at least one year.

(3) A person required to register as a tier three offender based solely on the person's risk level, pursuant to subparagraph (D) of paragraph (3) of subdivision (d) of Section 290, may petition the court for termination from the registry after 20 years from release from custody on the registerable offense, if the person (A) has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667.5 since the person was released from custody on the offense requiring registration pursuant to Section 290, and (B) has registered for 20 years pursuant to subdivision (e) of Section 290; except that a person required to register for a conviction pursuant to Section 288 or an offense listed in subdivision (c) of Section 1192.7 who is a tier three offender based on the person's risk level, pursuant to subparagraph (D) of paragraph (3) of subdivision (d) of Section 290, shall not be permitted to petition for removal from the registry. The court shall determine whether community safety would be significantly enhanced by requiring continued registration and may consider the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; the nature of the registerable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registerable offense; whether the offender has successfully completed a Sex Offender Management Board-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if known. If the petition is denied, the person may not re-petition for termination for at least three years.

(c) This section shall become operative on July 1, 2021.

#### **Credits**

(Added by Stats.2017, c. 541 (S.B.384), § 12, eff. Jan. 1, 2018, operative July 1, 2021. Amended by Stats.2020, c. 29 (S.B.118), § 11, eff. Aug. 6, 2020, operative July 1, 2021.)

West's Ann. Cal. Penal Code § 290.5, CA PENAL § 290.5

Current with all laws through Ch. 790 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025.

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 § 290.6

§ 290.6. Release of specified sex offenders; information to authorities

Effective: January 1, 2007

Currentness

(a) Fifteen days before the scheduled release date of a person described in subdivision (b), the Department of Corrections and Rehabilitation shall provide to local law enforcement all of the following information regarding the person:

(1) Name.

(2) Community residence and address, including ZIP Code.

(3) Physical description.

(4) Conviction information.

(b) This subdivision shall apply to any person sentenced to the state prison who is required to register pursuant to Section 290 for a conviction of an offense specified in subdivision (b), (c), or (d) of Section 290.46 and to any person described in those subdivisions.

(c) For the purpose of this section, "law enforcement" includes any agency with which the person will be required to register upon his or her release pursuant to Section 290 based upon the person's community of residence upon release.

(d) If it is not possible for the Department of Corrections and Rehabilitation to provide the information specified in subdivision (a) on a date that is 15 days before the scheduled release date, the information shall be provided on the next business day following that date.

(e) The Department of Corrections and Rehabilitation shall notify local law enforcement within 36 hours of learning of the change if the scheduled release date or any of the required information changes prior to the scheduled release date.

**Credits**

(Added by Stats.1993-94, 1st Ex.Sess., c. 22 (A.B.152), § 1, eff. Nov. 30, 1994. Amended by Stats.1998, c. 960 (A.B.2680), § 2; Stats.2005, c. 722 (A.B.1323), § 9, eff. Oct. 7, 2005; Stats.2006, c. 538 (S.B.1852), § 501.)

West's Ann. Cal. Penal Code § 290.6, CA PENAL § 290.6

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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 § 290.7

§ 290.7. Release of certain inmates; blood and saliva samples provided to local DNA testing laboratories

Effective: January 1, 2000

Currentness

The Department of Corrections shall provide samples of blood and saliva taken from a prison inmate pursuant to the DNA and Forensic Identification Data Base and Data Bank Act of 1998 (Chapter 6 (commencing with Section 295) of Title 9 of Part 1 of the Penal Code) to the county in which the inmate is to be released if the county maintains a local DNA testing laboratory.

**Credits**

(Added by Stats.1994, c. 866 (A.B.304), § 3. Amended by Stats.1999, c. 475 (S.B.654), § 2.)

West's Ann. Cal. Penal Code § 290.7, CA PENAL § 290.7

Current with all laws through Ch. 790 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025.

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.8

§ 290.8. Notice when local law enforcement agency does not provide daily, business hour registration of sex offenders

Currentness

Effective January 1, 1999, any local law enforcement agency that does not register sex offenders during regular daytime business hours on a daily basis, excluding weekends and holidays, shall notify the regional parole office for the Department of Corrections and the regional parole office for the Department of the Youth Authority of the days, times, and locations the agency is available for registration of sex offenders pursuant to Section 290.

**Credits**

(Added by Stats.1998, c. 960 (A.B.2680), § 4.)

West's Ann. Cal. Penal Code § 290.8, CA PENAL § 290.8

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.85

§ 290.85. Persons released on probation or parole who are required to register as sex offender; proof of registration; changes or updates; role of probation officer or parole agent

Effective: January 1, 2004

Currentness

(a) Every person released on probation or parole who is required to register as a sex offender, pursuant to Section 290, shall provide proof of registration to his or her probation officer or parole agent within six working days of release on probation or parole. The six-day period for providing proof of registration may be extended only upon determination by the probation officer or parole agent that unusual circumstances exist relating to the availability of local law enforcement registration capabilities that preclude the person's ability to meet the deadline.

(b) Every person released on probation or parole who is required to register as a sex offender pursuant to Section 290 shall provide proof of any change or update to his or her registration information to his or her probation officer or parole agent within five working days for so long as he or she is required to be under the supervision of a probation officer or parole agent.

(c) A probation officer or parole agent who supervises an individual who is required to register as a sex offender pursuant to Section 290 shall inform that individual of his or her duties under this section not fewer than six days prior to the date on which proof of registration or proof of any change or update to registration information is to be provided to the probation officer or parole agent.

(d) For purposes of this section, "proof of registration" means a photocopy of the actual registration form. A law enforcement agency that registers an individual as a sex offender pursuant to Section 290 who is released on probation or parole and is therefore subject to this section shall provide that individual with proof of his or her registration free of charge when requested by the registrant to fulfill the requirements of this section or any other provision of law.

**Credits**

(Added by Stats.1998, c. 960 (A.B.2680), § 5. Amended by Stats.2003, c. 245 (A.B.1098), § 1.)

West's Ann. Cal. Penal Code § 290.85, CA PENAL § 290.85

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.9

§ 290.9. Addresses of persons who violate duty to register

Effective: January 1, 2005

Currentness

Notwithstanding any other provision of law, any state or local governmental agency shall, upon written request, provide to the Department of Justice the address of any person represented by the department to be a person who is in violation of his or her duty to register under Section 290.

**Credits**

(Added by Stats.2004, c. 127 (A.B.1937), § 1.)

West's Ann. Cal. Penal Code § 290.9, CA PENAL § 290.9

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 290.95

§ 290.95. Disclosure by person required to register as sex offender upon application or acceptance of position involving children; prohibition against employment or volunteering of registered sex offenders where victim was a minor under 16 years of age; violations

Effective: October 11, 2009

Currentness

(a) Every person required to register under Section 290, who applies for or accepts a position as an employee or volunteer with any person, group, or organization where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, shall disclose his or her status as a registrant, upon application or acceptance of a position, to that person, group, or organization.

(b) Every person required to register under Section 290 who applies for or accepts a position as an employee or volunteer with any person, group, or organization where the applicant would be working directly and in an accompanied setting with minor children, and the applicant's work would require him or her to touch the minor children on more than an incidental basis, shall disclose his or her status as a registrant, upon application or acceptance of the position, to that person, group, or organization.

(c) No person who is required to register under Section 290 because of a conviction for a crime where the victim was a minor under 16 years of age shall be an employer, employee, or independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. This subdivision shall not apply to a business owner or an independent contractor who does not work directly in an unaccompanied setting with minors.

(d) For purposes of this section, “working directly and in an unaccompanied setting” includes, but is not limited to, providing goods or services to minors.

(e) A violation of this section is a misdemeanor punishable by imprisonment in a county jail for not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine, and a violation of this section shall not constitute a continuing offense.

**Credits**

(Added by Stats.1998, c. 959 (A.B.2259), § 1. Amended by Stats.2001, c. 224 (S.B.1192), § 1; Stats.2006, c. 340 (A.B.1900), § 1; Stats.2006, c. 341 (A.B.2263), § 1.5; Stats.2009, c. 430 (A.B.307), § 1, eff. Oct. 11, 2009.)

West's Ann. Cal. Penal Code § 290.95, CA PENAL § 290.95

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Morals (Refs & Annos)

Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 291

§ 291. School employees; arrest for sex offense; notice to school authorities

Effective: January 1, 2004

Currentness

Every sheriff, chief of police, or the Commissioner of the California Highway Patrol, upon the arrest for any of the offenses enumerated in Section 290, subdivision (a) of Section 261, or Section 44010 of the Education Code, of any school employee, shall, provided that he or she knows that the arrestee is a school employee, do either of the following:

(a) If the school employee is a teacher in any of the public schools of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the superintendent of schools of the school district employing the teacher and shall immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed. Upon receipt of the notice, the county superintendent of schools and the Commission on Teacher Credentialing shall immediately notify the governing board of the school district employing the person.

(b) If the school employee is a nonteacher in any of the public schools of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the superintendent of schools of the school district employing the nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing the person.

#### **Credits**

(Added by Stats.1951, c. 872, p. 2391, § 1. Amended by Stats.1967, c. 1417, p. 3335, § 13; Stats.1973, c. 198, p. 516, § 17; Stats.1973, c. 489, p. 962, § 7; Stats.1989, c. 388, § 7; Stats.2003, c. 536 (A.B.608), § 2.)

West's Ann. Cal. Penal Code § 291, CA PENAL § 291

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 291.1

§ 291.1. Teachers; notice of arrest to private school authorities

Effective: January 1, 2004

Currentness

Every sheriff or chief of police, or Commissioner of the California Highway Patrol, upon the arrest for any of the offenses enumerated in Section 290 or Section 44010 of the Education Code, of any person who is employed as a teacher in any private school of this state, shall, provided that he or she knows that the arrestee is a school employee, immediately give written notice of the arrest to the private school authorities employing the teacher. The sheriff, chief of police, or Commissioner of the California Highway Patrol, provided that he or she knows that the arrestee is a school employee, shall immediately notify by telephone the private school authorities employing the teacher of the arrest.

#### **Credits**

(Added by Stats.1967, c. 1671, p. 4191, § 2. Amended by Stats.2003, c. 536 (A.B.608), § 3.)

West's Ann. Cal. Penal Code § 291.1, CA PENAL § 291.1

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 291.5

§ 291.5. Teacher or instructor employed in community college district; notice of arrest

Currentness

Every sheriff or chief of police, upon the arrest for any of the offenses enumerated in Section 290 or in subdivision (1) of Section 261 of any teacher or instructor employed in any community college district shall immediately notify by telephone the superintendent of the community college district employing the teacher or instructor and shall immediately give written notice of the arrest to the Office of the Chancellor of the California Community Colleges. Upon receipt of such notice, the district superintendent shall immediately notify the governing board of the community college district employing the person.

**Credits**

(Added by Stats.1983, c. 1032, § 4.)

West's Ann. Cal. Penal Code § 291.5, CA PENAL § 291.5

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 292

§ 292. Sex offenses deemed felony offense involving act of violence and great bodily harm; denial of bail

Effective: January 1, 2022

Currentness

It is the intention of the Legislature in enacting this section to clarify that for the purposes of subdivisions (b) and (c) of Section 12 of Article I of the California Constitution, a violation of paragraph (2) or (6) of subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of former Section 262, Section 264.1, subdivision (c) or (d) of Section 286, subdivision (c) or (d) of Section 287 or former Section 288a, subdivision (b) of Section 288, or subdivision (a) of Section 289, shall be deemed to be a felony offense involving an act of violence and a felony offense involving great bodily harm.

**Credits**

(Added by Stats.1984, c. 1202, § 1, eff. Sept. 17, 1984. Amended by Stats.1994, c. 1188 (S.B.59), § 5; Stats.2018, c. 423 (S.B.1494), § 60, eff. Jan. 1, 2019; Stats.2021, c. 626 (A.B.1171), § 26, eff. Jan. 1, 2022.)

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 293

§ 293. Alleged victims of sex offense; notice that name will become matter of public record; request that name not become matter of public record; disclosure of victim's name or address; disclosure of name, address, or images of alleged victim of human trafficking or victim's immediate family

Effective: January 1, 2023

Currentness

(a) An employee of a law enforcement agency who personally receives a report from a person, alleging that the person making the report has been the victim of a sex offense, shall inform that person that the person's name will become a matter of public record unless the person requests that it not become a matter of public record, pursuant to Section 7923.615 of the Government Code.

(b) A written report of an alleged sex offense shall indicate that the alleged victim has been properly informed pursuant to subdivision (a) and shall memorialize the victim's response.

(c) A law enforcement agency shall not disclose to a person, except the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law, the address of a person who alleges to be the victim of a sex offense.

(d) A law enforcement agency shall not disclose to a person, except the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law, the name of a person who alleges to be the victim of a sex offense if that person has elected to exercise the person's right pursuant to this section and Section 7923.615 of the Government Code.

(e) A law enforcement agency shall not disclose to a person, except the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies if authorized or required by law, names, addresses, or images of a person who alleges to be the victim of human trafficking, as defined in Section 236.1, or of that alleged victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, and that information and those images shall be withheld and remain confidential. The law enforcement agency shall orally inform the person who alleges to be the victim of human trafficking of that person's right to have the person's name, addresses, and images, and the names, addresses, and images of the person's immediate family members withheld and kept confidential pursuant to this section and Section 7923.615

of the Government Code. For purposes of this subdivision, “immediate family” shall have the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

(f) For purposes of this section, sex offense means any crime listed in subdivision (b) of Section 7923.615 of the Government Code.

(g) Parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, and probation officers of county probation departments shall be entitled to receive information pursuant to subdivisions (c), (d), and (e) only if the person to whom the information pertains alleges that the person is the victim of a sex offense or is the victim of human trafficking, as defined in Section 236.1, the alleged perpetrator of which is a parolee who is alleged to have committed the offense while on parole, or in the case of a county probation officer, the person who is alleged to have committed the offense is a probationer or is under investigation by a county probation department.

#### **Credits**

(Added by Stats.1992, c. 502 (S.B.296), § 1. Amended by Stats.1993, c. 555 (A.B.191), § 2, eff. Sept. 28, 1993; Stats.1993-94, 1st Ex.Sess., c. 36 (A.B.62), § 3, eff. Nov. 30, 1994; Stats.2006, c. 92 (A.B.2615), § 1; Stats.2007, c. 578 (S.B.449), § 2; Stats.2008, c. 179 (S.B.1498), § 177; Stats.2008, c. 596 (A.B.3038), § 1, eff. Sept. 30, 2008; Stats.2008, c. 358 (A.B.2810), § 5; Stats.2008, c. 596 (A.B.3038), § 1.5, eff. Sept. 30, 2008, operative Jan. 1, 2009; Stats.2010, c. 328 (S.B.1330), § 154; Stats.2016, c. 644 (A.B.2498), § 2, eff. Jan. 1, 2017; Stats.2021, c. 615 (A.B.474), § 334, eff. Jan. 1, 2022, operative Jan. 1, 2023.)

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 293.5

§ 293.5. Identification of alleged victim as Jane Doe or John Doe

Effective: January 1, 2023

Currentness

(a) Except as provided in Chapter 10 (commencing with Section 1054) of Part 2 of Title 7, or for cases in which the alleged victim of a sex offense, as specified in subdivision (f) of Section 293, has not elected to exercise the alleged victim's right pursuant to Section 7923.615 of the Government Code, the court, at the request of the alleged victim, may order the identity of the alleged victim in all records and during all proceedings to be either Jane Doe or John Doe, if the court finds that type of order is reasonably necessary to protect the privacy of the person and will not unduly prejudice the prosecution or the defense.

(b) If the court orders the alleged victim to be identified as Jane Doe or John Doe pursuant to subdivision (a) and if there is a jury trial, the court shall instruct the jury, at the beginning and at the end of the trial, that the alleged victim is being so identified only for the purpose of protecting the alleged victim's privacy pursuant to this section.

#### **Credits**

(Added by Stats.1992, c. 502 (S.B.296), § 2. Amended by Stats.2016, c. 644 (A.B.2498), § 3, eff. Jan. 1, 2017; Stats.2021, c. 615 (A.B.474), § 335, eff. Jan. 1, 2022, operative Jan. 1, 2023.)

West's Ann. Cal. Penal Code § 293.5, CA PENAL § 293.5

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Chapter 5.5. Sex Offenders (Refs & Annos)

West's Ann.Cal.Penal Code § 294

§ 294. Conviction of sexual offenses; restitution fine; transfer to children's trust fund for child abuse prevention purposes

Effective: January 1, 2019

Currentness

(a) Upon conviction of any person for a violation of Section 273a, 273d, 288.5, 311.2, 311.3, or 647.6, the court may, in addition to any other penalty or restitution fine imposed, order the defendant to pay a restitution fine based on the defendant's ability to pay not to exceed five thousand dollars (\$5,000), upon a felony conviction, or one thousand dollars (\$1,000), upon a misdemeanor conviction, to be deposited in the Restitution Fund to be transferred to the county children's trust fund for the purposes of child abuse prevention.

(b) Upon conviction of any person for a violation of Section 261, 264.1, 285, 286, 287, or 289 or former Section 288a, where the violation is with a minor under the age of 14 years, the court may, in addition to any other penalty or restitution fine imposed, order the defendant to pay a restitution fine based on the defendant's ability to pay not to exceed five thousand dollars (\$5,000), upon a felony conviction, or one thousand dollars (\$1,000), upon a misdemeanor conviction, to be deposited in the Restitution Fund to be transferred to the county children's trust fund for the purpose of child abuse prevention.

(c) If the perpetrator is a member of the immediate family of the victim, the court shall consider in its decision to impose a fine under this section any hardship that may impact the victim from the imposition of the fine.

(d) If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

**Credits**

(Added by Stats.1993, c. 967 (A.B.931), § 1. Amended by Stats.2018, c. 423 (S.B.1494), § 61, eff. Jan. 1, 2019.)

West's Ann. Cal. Penal Code § 294, CA PENAL § 294

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