

**California
Tiered
Sex Offender
Registration
FAQS**

January 1, 2021

What is tiered registration?

In 2017 SB 384 passed and began the process of changing lifetime registration to a three tiered system in California. This means, that depending on several factors, including type of offense, risk scores and other criteria (included in PC290-the penal code that defines and governs registered sex offenders) adults who meet registration requirements, may be required to register from 10 years (Tier 1), 20 years (Tier 2), or life time (Tier 3); and juveniles convicted (adjudicated) for a sexual offense, who meet registration requirements may be required to register for 5 years (Tier 1) or 10 years (Tier 2). Some repeat sexual offenders and those at a high risk will be placed on the lifetime tier.

When does SB 384 take effect?

Beginning on **January 1, 2021**, the CA Department of Justice will designate tiers for registrants.

Do I need to continue to register?

Yes. Your current lifetime registration is still required. You must continue to register until you have petitioned the court and have received the court order that allows you to stop registering.

How do I know which tier I will be assigned to?

Individuals convicted of a sex offense will be assigned to Tier 1, 2, or 3 by the CA Department of Justice. Tier Assignment Letters will be **available on January 1, 2021** at local law enforcement agencies for pick up. They will not be mailed. The letters are an important first step in the process. You also may be placed on a “to-be-determined” status if your tier cannot be immediately ascertained.

Tier assignments can be challenged in court.

Will I automatically be removed from the registry?

No. It is not automatic. Tier 1 and Tier 2 will need to petition the superior court in the county where you live after you have met the following minimum years of registration after release from custody requirements:

Tier 1: misdemeanor/non-violent – 10 years

Tier 2: some violent felonies – 20 years

Tier 3: repeat felonies and CP-Lifetime registration – cannot petition for removal

Tier 3: if assigned for risk only, can petition after 20 yrs.

Tier 1 Juveniles – 5 years registration

Tier 2 Juveniles – 10 years registration

Tier 3 Juveniles – Lifetime registration

Procedures for Removal from the Registry

Per SB118's "birthday clause" petitions may be filed upon expiration of your tier **on or after your next birthday after July 1, 2021** at a registering law enforcement agency in the county or jurisdiction of residence. You may contact a public defender or a private attorney for additional legal assistance but an attorney is not required.

- Registering law enforcement agency(ies) have 60 days to report to the DA that you have complied with the Registration Act.
- After receiving report from law enforcement agency(ies), the DA has 60 days to request a hearing if you, the petitioner, has not satisfied your registration obligation, or "if community safety would be significantly enhanced by the person's continued registration."
- If no hearing is requested, the court "shall" grant the petition if: (1) the Registrant satisfied the Registration Act throughout the registration period. (2) there are no pending charges that could impact tiering, and (3) "the person is not in custody or on parole, probation, or supervised release."

What if the DA objects?

If the DA objects to removal, there will be a court hearing and the DA may present evidence. An attorney is recommended at this point.

Superior Court judges make the final decisions regarding removal from registry. Pre and post-conviction issues are important.

If petition is denied after hearing, court is to set a date between 1 and 5 years in the future after which you may file a new petition.

Are there changes to Megan's Law Website?

Beginning **January 1, 2022** registrants will be displayed on MLW.

No juvenile offender or Tier 1 adult offender will be profiled.

Some registrants currently excluded from MLW will be added to MLW (such as 647.6 and felony CP)

Tier 2 registrants will be posted on MLW, but home address will be omitted and replaced with "the community of residence and ZIP code".

Tier 3 registrants will have home address disclosed on MLW.

WHERE TO GO FOR HELP AND INFORMATION

Public Defender of Orange County

Seek help to file petitions

801 W Civic Center Dr Suite 400

Santa Ana, CA 92701

(657) 251-6090

CA DOJ California Department of Justice FAQs

<https://www.oag.ca.gov/>

search for “tiered registrants FAQs”

CASOMB CA Sex Offender Management Board FAQs

<https://casomb.org/>

search on “tiered registration FAQs”

View CASOMB Video: YouTube

<https://www.youtube.com/watch?v=aKe1KjzKSCI&feature=youtu.be>

ACSOL Alliance for Constitutional Sex Offense Laws

Join a support group

www.all4consolaws.org

(818) 305-5984

CA Bills: SB394 and SB118 Sec. 11

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB384

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB118

Thank you

The information on this powerpoint is being produced as a 3 panel flyer and will be on my website to download next week.

www.returninghomefoundation.org



Carole Urie

Returning Home Foundation

668 N. Coast Hwy, Ste. 236, Laguna Beach, CA 92651

phone 949.494.4571

caroleurie@returninghomefoundation.org