

California Department of Justice
CALIFORNIA JUSTICE
INFORMATION SERVICES DIVISION
Joe Dominic, Chief



INFORMATION BULLETIN

Subject:

Senate Bill 384: Sex Offender Tiering –
Operative January 1, 2021

No.

18-12-CJIS

Date:

01-07-19

Contact for information:

California Sex Offender Registry:
SB384@doj.ca.gov

TO: THE JUDICIAL COUNCIL OF CALIFORNIA

Senate Bill 384 (Stats. 2017, ch. 541, § 1.5)(SB 384), chaptered into law on October 6, 2017, mandates that California transition from a lifetime-based sex offender registration system to a tier-based system. In anticipation of the tier-based system going into effect on January 1, 2021, a small number of superior courts have been proactively tiering individuals who have been convicted of crimes requiring registration pursuant to California Penal Code (PC) section 290, et seq., the Sex Offender Registration Act (the Act). Pursuant to the Act, the California Department of Justice (CA DOJ) is the law enforcement authority mandated to facilitate and maintain the California Sex Offender Registry.

Pursuant to SB 384, CA DOJ is mandated to determine the tier placements for all sex offender registrants in California by January 1, 2021. CA DOJ is undertaking an effort to determine the tier designations for the approximately 104,000 registered sex offenders in California by January 1, 2021. However, until January 1, 2021, when SB 384 becomes operative, the registration requirements for individuals required to register as sex offenders in California remain governed by the existing statutory scheme under the Act, which requires registration for life.

Until January 1, 2021, no statutory authority exists to allow courts to require registration for any term that is less-than-lifetime. CA DOJ also does not have statutory authority to place individuals into tiers before SB 384 becomes operative on January 1, 2021.

CA DOJ respectfully requests that courts do not proactively tier sex offender registrants, as there is no statutory authority to do so, and SB 384, which creates a tiered registry, will not become operative until January 1, 2021. In addition, until January 1, 2021, the possibility exists that the California State Legislature will revise the tier designations of certain offenses. Such revisions would, in turn, affect any tier designations assigned proactively by the courts prior to January 1, 2021.

CA DOJ will be the party responsible for determining the tier designations for all individuals convicted after January 1, 2021, of offenses requiring registration under the Act. Beginning January 1, 2021, offenses for which registration is not mandatory under the Act but for which registration is mandated by the court, pursuant to PC section 290.006, will be tiered as tier one, unless the court finds that the individual should register as a tier two- or three- offender and states on the record the reasons for its findings.

CA DOJ therefore also respectfully requests that courts do not set the tier levels for such offenses until January 1, 2021.

If you have any questions, please contact the California Sex Offender Registry at 916-210-3113 or SB384@doj.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe", with a long, sweeping horizontal line extending to the right.

JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General