

**Introduced by Senator Rubio**

February 21, 2025

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An act to amend Section 290 of the Penal Code, relating to sex offenses.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 680, as introduced, Rubio. Sex offender registration: unlawful sexual intercourse with a minor.

Existing law, the Sex Offender Registration Act (act), requires a person convicted of specified crimes to register with law enforcement as a sex offender while residing in California or while attending school or working in California, as specified. Existing law establishes 3 tiers of registration based on specified criteria, for periods of at least 10 years, at least 20 years, and life, respectively, for a conviction of specified sex offenses. Existing law exempts from mandatory registration under the act a person convicted of certain offenses involving minors if the person is not more than 10 years older than the minor and if that offense is the only one requiring the person to register. A willful failure to register, as required by the act, is a misdemeanor or felony, depending on the underlying offense.

This bill would require offenders guilty of engaging in an act of unlawful sexual intercourse with a minor who is more than 3 years younger than the offender or, if the offender was 21 years of age or older, engaging in an act of unlawful sexual intercourse with a minor who is under 16 years of age, to register for 10 years as a tier one offender under the act, unless the offender was not more than 10 years older than the minor and if that offense is the only one requiring the offender to register. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290 of the Penal Code is amended to  
2 read:

3 290. (a) Sections 290 to 290.024, inclusive, shall be known,  
4 and may be cited, as the Sex Offender Registration Act. All  
5 references to “the Act” in those sections are to the Sex Offender  
6 Registration Act.

7 (b) Every person described in subdivision (c), for the period  
8 specified in subdivision (d) while residing in California, or while  
9 attending school or working in California, as described in Sections  
10 290.002 and 290.01, shall register with the chief of police of the  
11 city in which the person is residing, or the sheriff of the county if  
12 the person is residing in an unincorporated area or city that has no  
13 police department, and, additionally, with the chief of police of a  
14 campus of the University of California, the California State  
15 University, or community college if the person is residing upon  
16 the campus or in any of its facilities, within five working days of  
17 coming into, or changing the person’s residence within, any city,  
18 county, or city and county, or campus in which the person  
19 temporarily resides, and shall register thereafter in accordance  
20 with the Act, unless the duty to register is terminated pursuant to  
21 Section 290.5 or as otherwise provided by law.

22 (c) The following persons shall register:

23 (1) A person who, since July 1, 1944, has been or is hereafter  
24 convicted in any court in this state or in any federal or military  
25 court of a violation of Section 187 committed in the perpetration,  
26 or an attempt to perpetrate, rape, or any act punishable under  
27 Section 286, 287, 288, or 289 or former Section 288a, Section 207  
28 or 209 committed with intent to violate Section 261, *subdivision*  
29 *(c) or (d) of Section 261.5*, 286, 287, 288, or 289 or former Section  
30 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 (1) (A) A tier one offender is subject to registration for a  
2 minimum of 10 years. A person is a tier one offender if the person  
3 is required to register for conviction of a misdemeanor described  
4 in subdivision (c), or for conviction of a felony described in  
5 subdivision (c) that was not a serious or violent felony as described  
6 in subdivision (c) of Section 667.5 or subdivision (c) of Section  
7 1192.7.

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

10 (2) (A) A tier two offender is subject to registration for a  
11 minimum of 20 years. A person is a tier two offender if the person  
12 was convicted of an offense described in subdivision (c) that is  
13 also described in subdivision (c) of Section 667.5 or subdivision  
14 (c) of Section 1192.7, Section 285, subdivision (g) or (h) of Section  
15 286, subdivision (g) or (h) of Section 287 or former Section 288a,  
16 subdivision (b) of Section 289, or Section 647.6 if it is a second  
17 or subsequent conviction for that offense that was brought and  
18 tried separately.

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

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

23 (A) Following conviction of a registerable offense, the person  
24 was subsequently convicted in a separate proceeding of committing  
25 an offense described in subdivision (c) and the conviction is for  
26 commission of a violent felony described in subdivision (c) of  
27 Section 667.5, or the person was subsequently convicted of  
28 committing an offense for which the person was ordered to register  
29 pursuant to Section 290.006, and the conviction is for the  
30 commission of a violent felony described in subdivision (c) of  
31 Section 667.5.

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

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

37 (i) Section 187 while attempting to commit or committing an  
38 act punishable under Section 261, 286, 287, 288, or 289 or former  
39 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

1 violating Section 261 and punished pursuant to paragraph (1) or  
2 (2) of subdivision (c) of Section 264.

3 (L) The person was convicted of violating paragraph (1) of  
4 subdivision (a) of former Section 262.

5 (M) The person was convicted of violating Section 264.1.

6 (N) The person was convicted of any offense involving lewd  
7 or lascivious conduct under Section 272.

8 (O) The person was convicted of violating paragraph (2) of  
9 subdivision (c) *of*, or subdivision (d), (f), or (i) ~~of~~ *of*, Section 286.

10 (P) The person was convicted of violating paragraph (2) of  
11 subdivision (c) *of*, or subdivision (d), (f), or (i) ~~of~~ *of*, Section 287  
12 or former Section 288a.

13 (Q) The person was convicted of violating paragraph (1) of  
14 subdivision (a) *of*, or subdivision (d), (e), or (j) ~~of~~ *of*, Section 289.

15 (R) The person was convicted of a felony violation of Section  
16 311.1 or 311.11 or of violating subdivision (b), (c), or (d) of Section  
17 311.2, Section 311.3, 311.4, or 311.10.

18 (4) (A) A person who is required to register pursuant to Section  
19 290.005 shall be placed in the appropriate tier if the offense is  
20 assessed as equivalent to a California registerable offense described  
21 in subdivision (c).

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

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

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

37 (iii) The person has ever been committed to a state mental  
38 hospital or mental health facility in a proceeding substantially  
39 similar to civil commitment as a sexually violent predator pursuant

1 to Article 4 (commencing with Section 6600) of Chapter 2 of Part  
2 2 of Division 6 of the Welfare and Institutions Code.

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

11 (B) The Department of Justice shall ascertain an individual's  
12 appropriate tier designation as described in this subdivision within  
13 24 months of the individual's placement in the  
14 tier-to-be-determined category.

15 (e) The minimum time period for the completion of the required  
16 registration period in tier one or two commences on the date of  
17 release from incarceration, placement, or commitment, including  
18 any related civil commitment on the registerable offense. The  
19 minimum time for the completion of the required registration  
20 period for a designated tier is tolled during any period of  
21 subsequent incarceration, placement, or commitment, including  
22 any subsequent civil commitment, except that arrests not resulting  
23 in conviction, adjudication, or revocation of probation or parole  
24 shall not toll the required registration period. The minimum time  
25 period shall be extended by one year for each misdemeanor  
26 conviction of failing to register under this ~~act~~, *Act*, and by three  
27 years for each felony conviction of failing to register under this  
28 ~~act~~, *Act*, without regard to the actual time served in custody for  
29 the conviction. If a registrant is subsequently convicted of another  
30 offense requiring registration pursuant to the Act, a new minimum  
31 time period for the completion of the registration requirement for  
32 the applicable tier shall commence upon that person's release from  
33 incarceration, placement, or commitment, including any related  
34 civil commitment. If the subsequent conviction requiring  
35 registration pursuant to the Act occurs prior to an order to terminate  
36 the registrant from the registry after completion of a tier associated  
37 with the first conviction for a registerable offense, the applicable  
38 tier shall be the highest tier associated with the convictions.

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

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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