



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-068*

For business meeting on: March 12, 2021

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**Title**

Criminal Forms: Sex Offender Registration  
Termination

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2021

**Rules, Forms, Standards, or Statutes Affected**

Adopt forms CR-415, CR-417, and CR-418;  
approve forms CR-415-INFO and CR-416

**Date of Report**

February 11, 2021

**Recommended by**

Criminal Law Advisory Committee  
Hon. Brian M. Hoffstadt, Chair

**Contact**

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### Executive Summary

The Criminal Law Advisory Committee recommends three new mandatory forms and two new optional forms to be used to petition the court for termination of sex offender registration, provide proof of service, indicate a district attorney's response to the petition, and make appropriate court orders. The state Department of Justice requested the Judicial Council's assistance with forms to implement sex offender registration termination under Penal Code section 290.5 (Sen. Bill 384; Stats. 2017, ch. 541), which becomes effective July 1, 2021.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective July 1, 2021:

1. Adopt *Petition to Terminate Sex Offender Registration* (Pen. Code, § 290.5) (form CR-415), *Response by District Attorney to Petition to Terminate Sex Offender Registration* (form CR-417), and *Order on Petition to Terminate Sex Offender Registration* (Pen. Code, § 290.5) (form CR-418); and

2. Approve *Information on Filing a Petition to Terminate Sex Offender Registration* (form CR-415-INFO) and *Proof of Service—Sex Offender Registration Termination* (Pen. Code, § 290.5) (form CR-416).

The proposed new forms are attached at pages 7–18.

### **Relevant Previous Council Action**

Because these forms address a new statutory procedure, there is no relevant previous council action.

### **Analysis/Rationale**

Effective January 1, 2021, sex offender registration will convert from a lifetime requirement to a tier-based registration system with a minimum registration time period of 10 years, 20 years, or lifetime, largely depending on the registrable offense. The Department of Justice (DOJ) will designate a tier for all current registrants and will notify the registering law enforcement agency. Starting July 1, 2021, registrants may petition the court in the county of registration to terminate the registration requirement if the registrant has been registered for the minimum required time and meets other criteria. The district attorney may request a hearing if they believe the person does not meet the requirements or if community safety would be enhanced by the person's continued registration. Penal Code section 290.5, effective July 1, 2021, outlines the procedure and requirements for the petition process.

The proposed forms include (1) a petition form, (2) information sheet, (3) proof of service form, (4) district attorney response form, and (5) court order. The committee recommends the petition, district attorney response form, and court order to be mandatory to promote uniformity throughout the state, especially since a significant number of petitions may involve petitioners with different counties of registration and conviction that must serve the petition on multiple law enforcement agencies and district attorney's offices.

### **Policy implications**

This proposal furthers the council's policy of ensuring access to justice for all litigants. The committee anticipates that many petitioners will be self-represented. The forms were developed, in part, to provide self-represented petitioners with the relevant legal and procedural information for seeking relief, as well as to promote access to the courts.

### **Comments**

The Criminal Law Advisory Committee circulated forms for public comment three separate times in 2020, incorporating revisions based on comments and legislative changes in each subsequent circulation. The committee's specific responses to each comment are available in the attached comment charts at pages 19–125.

### ***First circulation (SPR20-16)***

In the first circulation, 20 comments were received from a range of stakeholders: superior courts, the DOJ, law enforcement agencies, district attorney's offices, a public defender's office, advocates, and members of the public. Most commenters agreed with the proposal if modified. The committee incorporated several comments suggesting further clarity around procedures and requirements and correcting errors and omissions.

*Acknowledgment of Receipt.* Several commenters, including the law enforcement agencies and district attorney's offices, opposed a proposed form requiring law enforcement and the district attorney to confirm receipt of the petition to the court within 10 days. The commenters stated, in part, that the form shifted the burden of providing proof of service to the court from the petitioner to law enforcement and prosecuting agencies and imposed a non-statutory burden on law enforcement and prosecuting agencies by requiring them to file the form with the superior court in which the registrant resides within 10 days. Based on these comments, the committee decided not to move forward with the *Acknowledgement of Receipt* form.

A commenter stated that the service section of the petition, where petitioner could indicate the date and method of service to the appropriate law enforcement agencies and district attorney's offices, provided sufficient information about proper service. The committee agreed, with minor modifications to include the name of the agency served, the address of service, a declaration by the petitioner or counsel that the information contained in the petition is true and correct, and notice to the petitioner that a court may deny a petition that is not properly served.

*Senate Bill 118.* While the forms circulated in the first round of public comment, the Legislature introduced, and the Governor subsequently signed into law, a budget trailer bill (Sen. Bill 118; Stats. 2020, ch. 29) amending Penal Code section 290.5. The amendments prohibit the filing of a petition for termination until on or after the petitioner's next birthday after July 1, 2021, and explicitly allows the court to summarily deny a petition if the court determines the petitioner does not meet the statutory requirements for termination or if the petitioner has not fulfilled the filing or service requirements. In response to the legislative changes, the committee modified the petition and information sheet to state that petitions must be filed only on or after the petitioner's next birthday after July 1, 2021, and modified the district attorney response form and court order to expand the summary denial sections to include eight reasons for summary denial, based on the statutory requirements in section 290.5.

*Other comments.* Two commenters suggested amending the forms to indicate that service to the law enforcement agency and district attorney in the county of conviction does not apply if the petitioner's registration obligation is based on a non-California conviction. Penal Code section 290.5(a)(2) requires the petition and proof of current registration to be served on the law enforcement agency and district attorney in the county of conviction. It is not clear what, if any, notice requirement applies for non-California convictions, so the committee declined to specify that the service requirement on the law enforcement agency and district attorney in the county of conviction does not apply to non-California convictions.

Besides registering for the minimum number of years for their tier, petitioners in tiers one and two must also provide proof of current registration and cannot have pending charges, be in custody, or be on supervision. (Pen. Code, § 290.5(a).) These requirements are not specified for petitioners in the exceptions categories for tiers two and three under Penal Code section 290.5(b), which permit a shortened registration time period if the petitioner meets specified criteria. In the invitation to comment, the committee proposed that the petition include these procedural requirements for petitioners in the exceptions categories for tiers two and three, noting that it is reasonable to have those petitioners who are subject to exceptions comply with similar prerequisites to relief as petitioners in tiers one and two. A commenter suggested the forms state that the eligibility and procedural requirements of section 290.5(a) apply to the exceptions categories under section 290.5(b). The committee declined to add a statement to this effect.

### ***Second circulation (SP20-03)***

In the second circulation, 12 comments were received from a range of stakeholders: courts, the DOJ, law enforcement agencies, district attorney's offices, a public defender's office, and advocates. Most commenters agreed with the proposal if modified.

*Proof of service of a filed petition.* The DOJ commented that Senate Bill 118 amended Penal Code section 290.5(a)(2) to add the following language: "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 DOJ noted that this amendment contemplated that the petition would be filed with the court prior to service, while the proposed petition contemplated filing *after* service. The DOJ recommended creating a proof of service form to identify the filed petition information and to verify service of the filed petition to the proper parties. The committee agreed, developing a new optional proof of service form, updating the information sheet to reflect the new procedure, and amending the petition to delete the service provision.

*Other comments.* A commenter suggested amending the court hearing section of the information sheet to state that the court would consider community safety considerations if requested by the district attorney, rather than in all cases, to better reflect the statutory language. The committee agreed with this suggestion.

Penal Code section 290.5(a)(2) excludes from eligibility from relief anyone on "parole, probation, or supervised release." The petition and information sheet refer to anyone on "parole, probation, postconviction supervised release, or any other form of supervised release." A commenter suggested replacing the language on the petition with the statutory language, but the committee declined, finding that the more expansive language better communicated the exclusion categories to registrants.

The DOJ requested adding information on the forms directing a petitioner required to register for both a juvenile adjudication of a sex offense and an adult conviction of a sex offense to file the petition to terminate with the superior court. The DOJ noted that this information would help reduce inquiries to the courts and improper additional filings with the juvenile courts. The committee declined the suggestion, based on an overarching policy decision to minimize

discussion of juvenile adjudications requiring registration because the proposed forms are intended for use in criminal court only. The committee felt that adding this information would likely create a need to provide further information about the termination process for juvenile adjudications requiring registration.

### ***Third circulation (SP20-11)***

The third circulation consisted only of the new, optional proof of service form. Three comments were received from courts and a bar association. A court noted a spacing error and requested references on the form to “district attorney” be changed to “prosecutor” or “prosecuting agency” because a city attorney can be the prosecutor on a case with sex offender registration ordered. The committee decided to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5. A juvenile division of a superior court did not indicate a position, but requested the development of sex offender registration termination forms for use in juvenile court. The response is that the comments have been relayed to the Family and Juvenile Law Advisory Committee, which oversees forms for use in juvenile court.

### **Alternatives considered**

In addition to the alternatives suggested in the comments and discussed above, the committee considered the following alternatives.

### ***Mandatory forms***

The committee discussed whether to recommend mandatory or optional forms. Under Government Code section 68511, the council’s adoption of a mandatory form as prohibits courts from creating an alternative local form. The committee is recommending the petition, district attorney response form, and court order be adopted as mandatory forms to promote uniformity throughout the state, especially since a significant number of petitions may involve petitioners with different counties of registration and conviction who must serve the petition on multiple law enforcement agencies and district attorney’s offices.

### ***Procedure***

Besides registering for the minimum number of years for their tier, petitioners in tiers one and two must also provide proof of current registration and cannot have pending charges, be in custody, or be on supervision. These requirements are not specified for petitioners in the exceptions categories for tiers two and three under Penal Code section 290.5(b), which permit a shortened registration time period if the petitioner meets specified criteria, and the committee considered the alternative of not including the requirement for these categories. However, the committee recommends that the petition include these requirements for petitioners in the exceptions categories for tiers two and three, noting that it is reasonable to have those subject to exceptions comply with similar prerequisites to relief as petitioners in tiers one and two.

### ***Law enforcement response form***

The committee discussed whether to develop a form for law enforcement to use in their response to the courts and the district attorney regarding a petitioner’s eligibility, noting that many courts

prefer consistency across forms. The DOJ indicated that the California Sex and Arson Registry would likely develop a response document for optional use by agencies that could be automatically populated to assist in determining eligibility. Because this option seemed preferable to a Judicial Council form, the committee decided not to develop a law enforcement response form.

### ***Reply form***

The committee discussed whether to develop a reply form for petitioners, but concluded that it would not develop one at this time. The committee notes that a petitioner should receive a copy of the district attorney's response form and may file a reply by drafting a pleading for the court's consideration.

### **Fiscal and Operational Impacts**

It is anticipated that the volume of petitions for termination under Penal Code section 290.5 will be significant. Courts will have to process and act on the requests for termination by setting and conducting hearings and issuing written orders. The proposed forms are intended to mitigate workload burdens under this new statute by streamlining some of this process and providing thoroughness and consistency in the presentation of the relevant information.

Four superior courts submitted comments regarding this proposal's operational impacts on courts. One superior court noted the cost savings of statewide forms, estimating that they would save at least 120 hours of staff time from preparing, revising, and approving forms. The courts uniformly indicated that they would need to develop new procedures, train staff, and create docket codes in case management systems as a result of the legislation.

### **Attachments and Links**

1. Forms CR-415, CR-415-INFO, CR-416, CR-417, and CR-418, at pages 7–18
2. Chart of comments, at pages 19–125
3. Link A: Senate Bill 384 (Stats. 2017, ch. 541),  
[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB384](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB384)
4. Link B: Senate Bill 118 (Stats. 2020, ch. 29),  
[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB118](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB118)
5. Link C: Penal Code section 290.5, effective July 1, 2021,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN)

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**

- Before using this form, read *Information on Filing a Petition to Terminate Sex Offender Registration* (form CR-415-INFO).
- Petitioner must continue to register as a sex offender until a court terminates the registration requirement.
- A copy of the filed petition and proof of current registration (available at the registering law enforcement agency) must be served on the proper law enforcement agencies and district attorney offices. Proof of service must be filed with the court (you may use *Proof of Service* (form CR-416), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)). The petition may be denied if service is not complete.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

For Court use only:

**Date:**  
**Time:**  
**Department:****1 Petitioner's Information**a. Name: \_\_\_\_\_  
First Middle Last

Date of birth: \_\_\_\_\_ (mm/dd/yyyy)

b. Attorney representing petitioner (if any)

Attorney Name: \_\_\_\_\_

Firm: \_\_\_\_\_

State Bar No.: \_\_\_\_\_

c. Contact information (**IMPORTANT:** You may be contacted about this matter at the address, phone, or e-mail listed below. Contact the court immediately if your contact information changes):☐ Check if attorney's contact information

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail (if available): \_\_\_\_\_ ☐ Petitioner or attorney agrees to email communication.d. ☐ If there is a hearing, petitioner requests an interpreter in (language): \_\_\_\_\_**2 Registration Status and Information**a. Petitioner is **currently registered** as a sex offender in California in the County of: \_\_\_\_\_

b. Identify the court in which petitioner was convicted of an offense requiring sex offender registration in California (e.g., specific California superior court, federal district court, military court, other state court). If known, include the case number for the conviction: \_\_\_\_\_

c. This petition is being filed on or after petitioner's next birthday after July 1, 2021, following the expiration of petitioner's mandated minimum registration period.

d. Proof of current registration is attached (available at the registering law enforcement agency).

**3 Termination Request**☐ Petitioner requests termination of the requirement to register as a sex offender in California.

**4 Pending Charges**

- ☐ To my knowledge, there are no pending charges against petitioner that could extend the time to complete the registration requirements of petitioner's tier or change petitioner's tier status.

**5 Custody Status**

- ☐ Petitioner is not in custody (*in jail or prison*).

**6 Supervision Status**

- ☐ Petitioner is not on parole, probation, postconviction supervised release, or any other form of supervised release.

**7 Tier Designation and Eligibility**

Petitioner was designated by the Department of Justice in the following tier and has registered for the following number of years:

- a. ☐ Tier 1 (Adult)

(1) ☐ Petitioner has registered for at least 10 years.

- b. ☐ Tier 2 (Adult)

(1) ☐ Petitioner has registered for at least 20 years; **or**

(2) ☐ Petitioner has registered for at least 10 years and all of the following apply:

(a) ☐ Petitioner has not been convicted of a new offense requiring sex offender registration since petitioner was released from custody on the offense requiring sex offender registration;

(b) ☐ Petitioner has not been convicted of a new offense listed in Penal Code section 667.5(c) (violent felonies) since petitioner was released from custody on the offense requiring sex offender registration; and

(c) ☐ The offense for which petitioner is required to register as a sex offender in California

(1) involved no more than one victim 14 through 17 years of age, (2) occurred when petitioner was under 21 years of age, (3) is not one listed in Penal Code section 667.5(c) (except Penal Code section 288(a)), and (4) is not one listed in Penal Code section 236.1.

- c. ☐ Tier 3 (*All of the following apply.*)

(1) ☐ Petitioner's designation is based only on a risk-level assessment;

(2) ☐ Petitioner has registered for at least 20 years;

(3) ☐ Petitioner has not been convicted of a new offense requiring sex offender registration since petitioner was released from custody on the offense requiring sex offender registration;

(4) ☐ Petitioner has not been convicted of a new offense listed in Penal Code section 667.5(c) (violent felonies) since petitioner was released from custody on the offense requiring sex offender registration; and

(5) ☐ Petitioner is not required to register for a conviction pursuant to Penal Code section 288 or an offense listed in Penal Code section 1192.7(c) (serious felonies).

**8 Previous Petition**

a. Petitioner (*check one*) ☐ has ☐ has not previously filed a Penal Code section 290.5 petition in California for termination of a sex offender registration requirement that was denied by the court.

b. The previous petition was denied in (*case number*): \_\_\_\_\_, in the Superior Court of California, County of \_\_\_\_\_, on (*date*): \_\_\_\_\_

c. The court set \_\_\_\_ (years) \_\_\_\_ (months) as the time period after which petitioner may request termination again.




**9 Registration Period**

- ☐ Petitioner believes that they have met the requirements to register for the time period required by petitioner's tier designation as determined by the Department of Justice.

I declare that the information provided is true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Printed name of petitioner or attorney*

 \_\_\_\_\_  
*Signature of petitioner or attorney*

**1 General Information**

- Do not file this information sheet with your petition.
- You must continue to register as a sex offender until a court grants your request to terminate the registration requirement.
- You may be required to register as a sex offender in another jurisdiction even if your requirement to register in California is terminated.
- Do not file evidence that shows proof of rehabilitation unless requested by the court after the petition is filed.
- This petition and proof of current registration must be filed on or after your next birthday after July 1, 2021, following the expiration of your mandated minimum registration period.
- This information sheet is for registration based on convictions in adult criminal court. It does not address registration based on juvenile adjudications.
- Proof of current registration is available at the registering law enforcement agency.
- It is very important that you provide a reliable mailing address in your petition so that the district attorney and court can reach you. Contact the court immediately if your mailing address changes.

**2 Am I eligible for relief under Penal Code section 290.5?**

You *may be* eligible to petition for relief under Penal Code section 290.5 if:

- You are required to register as a sex offender under Penal Code section 290 et seq.; *and*
- Your tier assignment has been determined by the Department of Justice; *and*
  - You have been assessed as being within Tier 1 or Tier 2; *or*
  - You have been assessed as being within Tier 3 based solely on your assessed level of relative risk.
- You have registered for the minimum time period for your assigned tier.

**3 Which tier am I? How is my tier determined?**

- Your tier is based on your conviction, risk assessment scores, and other factors. The Department of Justice will determine tier placement for all current registrants and will notify the law enforcement agency where you register. Registrants may request a tier notification letter from the registering law enforcement agency after January 1, 2021.
- Upon being convicted of a registrable offense, your minimum required registration period begins on the date you were released from incarceration, placement, or commitment, or released on probation or other supervision.
- Any misdemeanor conviction for failure to register extends the minimum time period by one year, without regard to the actual time served in custody for the conviction. Any felony conviction for failure to register extends the minimum time period by three years, without regard to the actual time served in custody for the conviction.
- If the minimum registration period has not been tolled or extended, you are eligible for relief after you have registered for the following time periods:

If you are...	You must have registered for at least...
Tier 1 (Adult)	10 years
Tier 2 (Adult)	20 years
Tier 2 (10-Year Registration Exception)	10 years
Tier 3 (Based on Risk Level)	20 years

**4 Are there any other requirements besides registering for my tier's minimum time period?**

If you are assessed as Tier 1 or Tier 2, you are *only* eligible to petition for relief upon reaching the end of the minimum registration period, and *only if all of the following are true*:

- You are not the subject of pending criminal charges that could extend the time to complete the registration requirements of the tier or change the tier status;
- You are not in custody; *and*



- You are not on parole, probation, postconviction supervised release, or any other form of supervised release.

Please see ⑤ for more information about the Tier 2 10-year registration exception.

**If you are assessed as coming within Tier 3 solely based on your assessed relative risk level, you are only eligible to petition for relief at the end of the minimum period of registration if all of the above factors and all of the following are true:**

- You were not convicted of a new offense requiring sex offender registration since your release from custody following your conviction for the offense originally giving rise to your duty to register;
- You were not convicted of a new offense listed in Penal Code section 667.5(c) (“violent felony”) since your release from custody following your conviction for the offense originally giving rise to your duty to register; and
- You are not required to register for a conviction pursuant to Penal Code section 288 or for an offense listed in Penal Code section 1192.7(c) (“serious felony”).

**⑤ If I have been designated as being in Tier 2 (Adult), how do I know if I qualify for the Tier 2 10-year registration exception?**

For adult registrants, a small number of Tier 2 offenses qualify for a 10-year registration period, instead of 20 years. Your designation letter or proof of current registration will not tell you whether you qualify. You may qualify if you have registered for 10 years and all of the following apply:

- The offense involved only one victim, between the ages of 14 and 17;
- You were under 21 years of age at the time of the offense;
- The offense is not listed in Penal Code section 667.5(c), violent felonies, with the exception of Penal Code section 288(a), lewd or lascivious act, or in Penal Code section 236.1, false imprisonment and human trafficking;

- You were not convicted of a new offense requiring sex offender registration since your release from custody following your conviction for the offense originally giving rise to your duty to register; and
- You were not convicted of a new offense described in Penal Code section 667.5(c) since your release from custody upon conviction for the offense originally giving rise to your duty to register.

**⑥ At the end of my minimum period of registration, where and how do I file my petition and proof of current registration with the court?**

- On or after your next birthday after July 1, 2021, you may file your petition and proof of current registration as a sex offender, which you can get from the registering law enforcement agency, in the superior court in the county where you register. If you register with more than one law enforcement agency (for example, campus registration or additional residence address), you must file the petition and proof of current registration in the county of your primary residence.
- Make a copy of the completed petition and proof of current registration for each law enforcement agency and district attorney’s office you (or someone on your behalf) must serve.
- Contact the court clerk or check the court’s website to see if any local rules exist regarding filing and/or service of the petition and proof of current registration and ask how you can receive proof of filing.
- File the petition and proof of current registration by:
  - Taking them to the court clerk in person;
  - Mailing them to the court; or
  - Depending on the court’s local rules and practices, filing them electronically.

**⑦ Who else gets a copy of the petition and proof of current registration, and how?**

After the petition and proof of current registration are filed with the court, you or someone on your behalf must deliver a copy of the petition and the proof of current registration to:



- The law enforcement agency with which you currently register; and
- The district attorney in the county in which you currently register.

If you were convicted of a registrable offense in a different county than where you currently reside and/or register in, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.

*Example:* If you were convicted of a registrable offense in Los Angeles County but register in Orange County, you or someone on your behalf must serve the law enforcement agency and the district attorney's office in both counties.

Contact every agency that must be served to check if there is a specific person or mailing address that should receive the petition and proof of current registration. If the agencies do not get a copy, they will not be able to provide the information the court needs to consider your request, and the court may deny the request or delay its decision until it receives this information.

There are three main ways to serve the petition and proof of current registration (use *Proof of Service* (form CR-416) to guide you on the information you need to report back to the court about how and when the petition was served):

- **Personal service:** You may serve the petition and proof of current registration or ask someone else to do it. Go in person to hand-deliver the petition and proof of current registration to a representative of the law enforcement agency and district attorney's office during business hours. This is the most reliable form of service.
- **Service by mail:** Place copies of the petition and proof of current registration in a stamped, sealed envelope addressed to the law enforcement agency and district attorney's office. Put first-class postage on the envelope and mail it by depositing the envelope with the U.S. Postal Service or at an office or business mail drop

where the mail is picked up every day and deposited with the U.S. Postal Service.

Alternatively, you may mail the documents by certified mail with a return receipt requested.

- **Electronic service:** Contact the law enforcement agency and district attorney's office to check if they accept electronic service and, if so, how to confirm receipt of service. The court may require proof of consent and proof of electronic service. You can use *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV) and *Proof of Electronic Service* (form EFS-050), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**Your petition may be denied if all law enforcement agencies and district attorney's offices required to be served are not served.**

When service is complete, you or someone who served the documents on your behalf must fill out *Proof of Service* (form CR-416) and file it with the court.

## 8 Time frame for court's decision

The court will not make a decision until it hears from the law enforcement agency and the district attorney. This may take four months or longer.

- The law enforcement agency has 60 days from receipt of the petition to report on your eligibility to the court and district attorney. The law enforcement agency may request more time if it discovers a conviction not previously considered by the Department of Justice.
- The district attorney may request a hearing within 60 days after receiving the eligibility report from law enforcement.

Once you file your petition and proof of current registration and the court gives you a case number, you can see whether the court has received and filed any responses from the law enforcement agency and the district attorney's office by (1) looking up the case online (if the court offers remote electronic access), or (2) going in person to the court to review the case docket at a public access kiosk or on a paper file.



The court may grant your request, deny your request, or set the request for a hearing if one is requested by the district attorney.

## **9 Hearing**

The district attorney in the county where the petition is filed may request a hearing if the district attorney does not believe you have registered for the minimum time period required or if it believes that you should continue registering for community safety. A community safety hearing is required in order for the court to grant a Tier 2 10-year exception or Tier 3 risk-level petition. If the court must decide at the hearing whether you should continue to register for community safety, the court will make its decision by reviewing the facts of your case, your conduct before and after the conviction, and your current risk or sexual or violent re-offense, among other factors.

If the district attorney does not request a hearing, the court must grant the petition for termination if (1) you provided proof of current registration, (2) the registering law enforcement agency reported that you met the requirements for termination, (3) there are no pending charges against you that could extend the time to complete the registration requirements of the tier or change your tier status, and (4) you are not in custody or on parole, probation, or supervised release.

## **10 Subsequent petition**

If the court denies your request, it will let you know how much time must pass before you can make the request again. This depends in part on your tier.

- Tier 1 and 2 (Adult): At least one year from date of denial, but not to exceed five years, based on facts presented at the hearing.
- Tier 2 (10-year registration exception): At least one year from date of denial.
- Tier 3 (based on risk level): At least three years from date of denial.

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by  
the Judicial Council**

**Instructions**

- This form is for providing proof that a copy of a filed *Petition to Terminate Sex Offender Registration* (form CR-415) and proof of current registration was served (delivered) to the required law enforcement agencies and district attorney's offices. Read *Information on Filing a Petition to Terminate Sex Offender Registration* (form CR-415-INFO) for more information.
- The person who serves (delivers) a document or form in this case and who fills out this form must be at least 18 years old.
- This form is for proof of service by mail or personal delivery. For proof of electronic service, read and follow rule 2.251 of the California Rules of Court, and use *Proof of Electronic Service* ([form POS-050/EFIS-050](#)).
- File a completed form with the court. Keep a copy of this form for your records.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

① At the time I served the *Petition to Terminate Sex Offender Registration* (form CR-415) and proof of current registration, I was at least 18 years old.

② My name is: \_\_\_\_\_  
My mailing address is: \_\_\_\_\_

\_\_\_\_\_  
Street City State Zip

③ I served copies of the *Petition to Terminate Sex Offender Registration* and proof of current registration filed (*check one*):

☐ for myself ☐ on behalf of (*name of petitioner*): \_\_\_\_\_

④ I mailed or personally delivered a filed-stamped copy of *Petition to Terminate Sex Offender Registration* (form CR-415) and proof of current registration to the agencies listed below:

a. **Registering law enforcement agency**

Name of agency: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Date of service: \_\_\_\_\_

Method of service (*check one*):

- ☐ Mailed the documents to the agency at the address above in a sealed envelope from (*city, state*): \_\_\_\_\_ by depositing the envelope with the U.S. Postal Service
- ☐ Delivered in person to (*name*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ at the address above.

b. **District attorney (county of registration):**

County of: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Date of service: \_\_\_\_\_

Method of service (*check one*):

- ☐ Mailed the documents to the district attorney's office at the address above in a sealed envelope from (*city, state*): \_\_\_\_\_ by depositing the envelope with the U.S. Postal Service or
- ☐ Delivered in person to (*name*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ at the address above.



c. ☐ **Law enforcement agency (county of conviction, if different than county of registration)**

Name of agency: \_\_\_\_\_

Address: \_\_\_\_\_  
                    *Street*                                    *City*                                    *State*  *Zip*

Date of service: \_\_\_\_\_

Method of service (*check one*):☐ Mailed the documents to the agency at the address above in a sealed envelope from  
(*city, state*): \_\_\_\_\_ by depositing the envelope with the U.S. Postal Service☐ Delivered in person to (*name*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
at the address above.d. ☐ **District attorney (county of conviction, if different than county of registration)**


County of: \_\_\_\_\_

Address: \_\_\_\_\_  
                    *Street*                                    *City*                                    *State*  *Zip*

Date of service: \_\_\_\_\_

Method of service (*check one*):☐ Mailed the documents to the district attorney's office at the address above in a sealed envelope from  
(*city, state*): \_\_\_\_\_ by depositing the envelope with the U.S. Postal Service☐ Delivered in person to (*name*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
at the address above.☐ *Check here if you served copies of the petition and proof of current registration to additional law enforcement agencies and district attorney's offices. Attach a separate page listing the names, addresses, date of service, and method of service of each additional copy you served. Write "CR-416, Item 4" on the top of the page.***5** I declare under penalty of perjury under California state law that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name* \_\_\_\_\_  
*Server signs here after serving*

# Response by District Attorney to Petition to Terminate Sex Offender Registration

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by  
the Judicial Council**

## 1 Petitioner's Information

This is a response to a petition filed by:

a. Name: \_\_\_\_\_  
First Middle Last

Date of birth: \_\_\_\_\_ (mm/dd/yyyy)

CSAR Petition No.: \_\_\_\_\_

b. Tier (check one):

☐ Tier 1 (Adult)☐ Tier 3 (based on risk level)☐ Tier 2 (Adult)☐ Tier 3 (lifetime)☐ Tier 2 (10-year registration exception)

## 2 Response

a. ☐ The district attorney has no objection to this petition.b. ☐ The district attorney objects to granting the petition and requests a hearing because (check all that apply):(1) ☐ Community safety would be significantly enhanced by the petitioner's continued registration.(2) ☐ Petitioner has not met the requirements of Penal Code section 290(e).c. ☐ The district attorney requests the petition be summarily denied because (check all that apply and state reasons for summary denial):(1) ☐ Petitioner has not fulfilled the filing and service requirements of Penal Code section 290.5 because:(2) ☐ There are pending charges against petitioner that could extend the time to complete the registration requirements of the tier or change petitioner's tier status: \_\_\_\_\_(3) ☐ Petitioner is in custody or on parole, probation, or supervised release: \_\_\_\_\_(4) ☐ Petitioner does not qualify for termination because petitioner is in Tier 3 as a lifetime registrant and does not fall under the risk-level exception.(5) ☐ Petitioner is in Tier 1 or Tier 2 and has not met the mandatory minimum registration period for that tier.(6) ☐ Petitioner is in Tier 2 and has not met the following criteria for a 10-year registration exception in Penal Code section 290.5(b)(1) and (2): \_\_\_\_\_(7) ☐ Petitioner is in Tier 3 solely on the basis of a risk assessment level and has not met the following criteria for a 20-year registration exception in Penal Code section 290.5(b)(3): \_\_\_\_\_(8) ☐ Other: \_\_\_\_\_

d. This response has been served on the petitioner or counsel at the address set forth on the petition.

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Printed name, office address, and phone number of  
district attorney/district attorney's representative

\_\_\_\_\_  
Signature of district attorney/district attorney's  
representative



# Order on Petition to Terminate Sex Offender Registration (Pen. Code, § 290.5)

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

① Petitioner's Name: \_\_\_\_\_  
First Middle Last

Date of birth: \_\_\_\_\_ CSAR Petition No.: \_\_\_\_\_  
(mm/dd/yyyy)

Name of attorney representing petitioner (if any): \_\_\_\_\_

Mailing address: \_\_\_\_\_  
Street

City State Zip

E-mail: \_\_\_\_\_

② ☐ The court **GRANTS** the petition to terminate the sex offender registration requirement under Penal Code section 290 et seq.

③ ☐ The court **SUMMARILY DENIES** the petition to terminate the sex offender registration requirement because (check all that apply and state reasons for summary denial):

a. ☐ Petitioner has not fulfilled the filing and service requirements of Penal Code section 290.5 because:

b. ☐ There are pending charges against petitioner that could extend the time to complete the registration requirements of the tier or change petitioner's tier status:

c. ☐ Petitioner is in custody or on parole, probation, or supervised release:

d. ☐ Petitioner does not qualify for termination because petitioner is in Tier 3 as a lifetime registrant and does not fall under the risk-level exception.

e. ☐ Petitioner is in Tier 1 or Tier 2 and has not met the mandatory minimum registration period for that tier.

f. ☐ Petitioner is in Tier 2 and has not met the following criteria for a 10-year registration exception in Penal Code section 290.5(b)(1) and (2): \_\_\_\_\_

g. ☐ Petitioner is in Tier 3 solely on the basis of a risk assessment level and has not met the following criteria for a 20-year registration exception in Penal Code section 290.5(b)(3): \_\_\_\_\_

h. ☐ Other: \_\_\_\_\_

**This is a Court Order.**



- 4 ☐ After hearing, the court **DENIES** the petition to terminate the adult sex offender registration requirement because the court finds that (*check all that apply*):
- a. ☐ Petitioner has not met the requirements of Penal Code section 290(e).
- b. ☐ Community safety would be significantly enhanced by the petitioner's continued registration. The court's findings are (*select one*): ☐ stated orally on the record ☐ set forth below:

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- (1) ☐ **For Tier 1 and Tier 2 denials:** Petitioner may not file another petition for termination for \_\_\_\_\_ years (*must be between 1 to 5 years*) from the date of denial, for the following reasons:
- (2) ☐ **For Tier 2 denials (10-year registration exception):** Petitioner may not file another petition for termination for \_\_\_\_\_ year(s) (*must be at least 1 year*) from the date of denial.
- (3) ☐ **For Tier 3 denials (based on risk level):** Petitioner may not file another petition for termination for \_\_\_\_\_ years (*must be at least 3 years*) from the date of denial.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Judicial Officer*

**To the court:** Notify the Department of Justice, California Sex Offender Registry, when a petition for termination from the registry is granted, denied, or summarily denied. If the petition is denied after hearing, the court must also state the time period after which the person can file a new petition for termination. The court may notify the department through electronic reporting or by mail (California Sex Offender Registry, P.O. Box 903387, Sacramento, CA 94203-3780).

**This is a Court Order.**

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney & Executive Director Chance X. Oberstein, President Sacramento	AM	See comments on specific provisions below.	The committee appreciates the comments.
2.	Bruce Bernhart Owatonna, MN	AM	There needs to be some further clarification for out of state registrants, particularly which forms should go to which authorities, either in our home state, or in California, or both. Do we also need to formally petition the office in our current state that oversees registration? County DA's may not even have us on file since court records are in California. And I'm sure there are probably some registrants out there who have relocated more than once during their time on the registry.	The forms reflect the statutory requirements of Penal Code section 290.5, and the statute does not clearly address how a person with a registrable offense in California but who lives out of state would petition to terminate the registration requirement.
3.	California Department of Justice By Linda Schweig, Assistant Director Justice Data and Investigative Services Bureau Sacramento, California	AM	See comments on specific provisions below.	
4.	Ira Mark Ellman Distinguished Affiliated Scholar University of California Berkeley Tara Ellman M.B.A. Consultant	AM	See comments on specific provisions below.	
5.	Louis R. Guevara Pomona, California	AM	I suggest to the committee that the changes be made at the tier 3 level that which will seek relief for a tier 3 designee, if he/she is assigned as a tier 3 offender. He/she may petition the	The comment is beyond the scope of the proposal.

SPR20-16

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			court for relief from life time sex registration if he/she has been granted a Certificate of rehabilitation by the county court of which he/she was convicted. In addition; however, if he/she meets the mandatory min requirements of 20 years of undisturbed registration requirements and has no relief of life time sex offender registration. Moreover, should the court deny petitioners request for relief the court shall enter in the record a 1 year window for which a petitioner may re-petition the court for termination of life time sex registration.	
6.	Los Angeles County District Attorney's Office By Bradley L. McCartt, Deputy-in-Charge	N	See comments on specific provisions below.	
7.	Los Angeles Police Department by Lauren Rauch, Detective/290 Coordinator	AM	See comments on specific provisions below.	
8.	Los Angeles County Sheriff Department by Alex Villanueva, Sheriff	N	See comments on specific provisions below.	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
9.	Orange County Bar Association by Scott B. Garner, President	A	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes. The proposed forms closely track the required elements of Penal Code section 290.5.</p> <p><b>Are the forms and information sheet written in a way that would be understandable to most self-represented court users?</b> The procedures contained in Section 290.5 are detailed and probably will appear overly complicated to the average lay person. The legislature used an economy of language when prescribing who may take advantage of the relief and the requisite procedure for termination. The forms and instructions proffered logically and accurately outline the necessary pleadings and service required by 290.5. The instructions appear to be in as plain of language as is possible given the detailed requisite procedures. While it may take more than one reading for a pro per to understand fully the forms and instructions, the proposal language and steps to follow are clear.</p>	The committee appreciates the comments.

SPR20-16

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
10.	David Payne Detective Sergeant Los Angeles Sheriff's Department Monterey Park, California	N	I AM BAFFLED THAT WE TREAT SEX CRIMES AND EXPLOITATION AGAINST CHILDREN CRIMES LIKE THEY ARE VICTIMLESS CRIMES, AND THE PERPATRATORS SHOULD BE GIVEN CHANCES. THE CHANCES WE GIVE THEM ARE TO RE OFFEND. THESE ARE NOT VICTIMLESS CRIMES. THESE CRIMES AFFECT FAMILIES, NOT JUST THE CHILD VICTIMS. HOW CAN YOU ASSURE ME THAT THESE PEOPLE WILL NOT RE OFFEND IF YOU ARE NOT KEEPING AN EYE ON THEM. JUDGES AND LAWMAKERS ARE NEVER HELD ACCOUNTABLE FOR BAD JUDGEMENTS OR BAD LAWS. SO THEY CONTINUE TO MAKE THEM. THINK ABOUT THE FUTURE VICTIMS FOR ONCE. YOU'VE ALREADY FAILED THE PAST VICTIMS.	The comment is beyond the scope of the proposal.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
11.	Steven Rease Attorney at Law	AM	My main concern with the forms you have included with your proposal is that nowhere in the forms is the registrant informed whether she/he is a Tier 1, Tier 2 or Tier 3 registrant. Form CR-415-INFO has a section 3 that informs the registrant how his/her tier is determined but only says that that determination is made by the Department of Justice. A form needs to be developed that would inform the registrant of what Tier he/she is in, based on the crime(s) triggering registration and how PC 290 divides up the registrable offenses into the 3 tiers. Without accurate knowledge of which Tier designation applies to him/her, the registrant cannot fill out section 7 of CR-415. This would also be necessary in order for the registrant to intelligently question whether DOJ's designation of her/his tier status is correct.	The committee discussed the suggestion but does not recommend adding a list of offenses by tier in the information sheet.
12.	San Diego County District Attorney by Summer Stephan, District Attorney	N	See comments on specific provisions below.	
13.	San Diego County Police Chiefs' and Sheriff's Association by Chief Roxana Kennedy, President Chula Vista, California	N	See comments on specific provisions below.	
14.	San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	AM	The California Department of Justice (DOJ) criminal history records are notoriously inaccurate. Per the DOJ, 60% of their records are incomplete (The California Criminal Justice Data Gap (April 2019), Stanford Law School and Measures for Justice Report). In addition to the 60% incomplete records, a significant number of their records are flat out wrong. As a Chief Deputy with the San Diego County Office	No response necessary.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>of the Public Defender, I have reviewed thousands of DOJ criminal history reports. The errors in the DOJ reports are quite disturbing: convictions reported as felonies, that were only misdemeanors, cases which were later reduced to misdemeanors which have never been updated, entries which appear as only arrests, which were in fact prosecutions, cases showing convictions for charges inconsistent with the official court record (i.e. first degree burglary, when the conviction is for second degree burglary), etc.</p> <p>The DOJ determines Tier placement. Their determination is based on their records. Further, because law enforcement and prosecutorial agencies will rely heavily on the DOJ criminal history records to calculate any tolling or extensions of the minimum registration period, there is a significant chance for error in those calculations as well. I have little faith in the accuracy of Tier placement or calculating tolling or extensions of the minimum reporting period based on DOJ records. The court forms and process should take into consideration the reality of the faulty DOJ records.</p> <ul style="list-style-type: none"> <li>• The petitioner should be afforded the opportunity to challenge the DOJ Tier designation.</li> <li>• The petitioner should be afforded the opportunity to challenge the accuracy of any errors in the tolling period calculations.</li> <li>• The petitioner should be afforded the</li> </ul>	<p>The committee discussed the suggestions but does not recommend incorporating them because the petition for termination is not the proper vehicle for challenging a tier designation by the Department of Justice.</p>



SPR20-16

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			opportunity to challenge the accuracy of any extension calculation.  I am particularly concerned that the court may issue a summary denial and set a future date until which the petitioner is barred from petitioning again, without the opportunity to be heard on any of these issues.	Please see the response above.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
15.	Superior Court of Fresno County by Leticia Hernandez, Felony Department Manager	A	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes</p> <p><b>Are the forms and information sheet written in a way that would be understandable to most self-represented court users?</b> Yes</p> <p>Specific to Courts:</p> <p><b>Would the proposal provide cost saving? If so, please quantify?</b> There would be no cost savings to the court as this is not a process that is currently in place.</p> <p><b>What would the implementation requirements be for courts-for example, training staff (please identify and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems or modifying case management systems?</b>                      Training – Total of 159 staff which includes 7 Supervisors, 30 Seniors and 122 Office Assistants &amp; Judicial Assistants. Each session would be about 1 hour (estimate 2 weeks in classroom setting; taking scheduling and coverage into consideration). Additionally, 4 Judicial Assistants will each receive 8 hours of more detailed, hands on training.</p> <p>Counter staff that will be taking these forms in will receive an additional 4 hours of detailed training on the different tiers and taking in the forms.</p>	The committee appreciates the comments.

SPR20-16

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• Acceptance of petition (Counter Staff)</li> <li>• Processing, calendaring and noticing requested hearings</li> <li>• Processing Orders including after hearings</li> <li>• Noticing applicable parties post decision</li> </ul> <p>Processes to create:</p> <ul style="list-style-type: none"> <li>• Creating &amp; testing procedures – by Senior/Supervisor (estimate 1 week) This includes approval by Court administration and judges.</li> <li>• Creating Procedures on acceptance and filing</li> <li>• Creating a desk to process this subject matter</li> <li>• Creating case numbers</li> <li>• Assigning department to hear petitions</li> <li>• Creating docket codes (including tracking and JBSIS and transmitting to DOJ)</li> </ul> <p>Expected hours of training</p> <ul style="list-style-type: none"> <li>• Our estimated number of training hours would be a total of 263 hours as reflected above.</li> </ul>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>Would 9 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes, see above answers in implementation requirements for courts</p> <p><b>How well would this proposal work in courts of different sizes?</b> The volume of petitions will either increase or decrease based upon knowledge of the tier system and number of existing registrations in each city/county.</p>	
16.	Superior Court of Los Angeles County by Bryan Borys	AM	<p>Add and/or keep language “district attorney or prosecuting agency”: staying with PC 290.5 language that solely references “district attorney” will confuse misdemeanor petitioners required to notice/serve city attorney and/or other prosecuting agencies. Adding “or prosecuting agency” to forms will assist with the issue [however true fix would be to amend PC 290.5].</p> <p>See comments on specific provisions below.</p>	The committee decided to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.
17.	Superior Court of Los Angeles County by Tricia Penrose Director - Juvenile Operations	A	<p><b>**Commenter provided comments on how the forms could be modified regarding juveniles.</b></p> <p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>Are the forms and information sheet written in a way that would be understandable to most self-represented court users?</b> Yes.</p>	<p>The proposed forms are for adult registrants only. The Judicial Council is not developing forms for juvenile registrants at this time.</p> <p>The committee appreciates the comments.</p>

SPR20-16

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> No.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b></p> <p>Training Staff:            Court Services Assistants      &lt; 2 hours            Judicial Assistants              &lt; 2 hours</p> <p>A procedure should be developed to address the processing of such documents received by the Clerk’s Office via mail, the counter, fax and/or drop box.</p> <p>A procedure should be developed to address the processing of such documents received in the courtroom.</p> <p><b>Would 9 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes.</p> <p><b>How well would this proposal work in courts</b></p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p><b>of different sizes?</b> This proposal would work well in courts of different sizes.</p> <p>See comments on specific provisions below.</p>	
18.	Superior Court of Orange County (no name provided)	AM	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>Are the forms and information sheet written in a way that would be understandable to most self-represented court users?</b> Yes, for the most part.</p> <p>Should the effective dates on the forms be July 1, 2021? Currently all forms have January 1, 2021 date in footer.</p> <p>**See comments on specific forms below.</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> No, these forms are legislation driven; will increase workload.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b> These petitions, once filed, require responses from LEA and prosecutors before the court can take further action and will not have “counts” or “charges”.</p> <ul style="list-style-type: none"> <li>Recommend a working group with our justice partners (DA, PD, LEA) to</li> </ul>	<p>The committee appreciates the comments.</p> <p>The committee will revise all forms to have an effective date of July 1, 2021.</p>

SPR20-16

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>ensure expectations are in alignment</p> <ul style="list-style-type: none"> <li>• Workflows needed to outline: <ul style="list-style-type: none"> <li>○ Where these petitions will be filed</li> <li>○ What courtrooms will hear them</li> <li>○ How the cases are tracked to ensure timelines are followed</li> <li>○ Will the court send correspondence to agencies when timelines are exceeded?</li> <li>○ How cases will be initiated (manually?)</li> <li>○ Requirements for acceptance (incomplete forms ok?)</li> <li>○ New docket codes needed for filing the petition, noting service, filing responses, setting hearing dates, judicial ruling, JBSIS/DOJ reporting</li> <li>○ How will cases be “closed” in our Case Management System?</li> <li>○ How re-filed petitions will be handled (same case number?)</li> </ul> </li> <li>• New procedure will be required</li> <li>• Training scope will depend on where these cases are filed/heard</li> <li>•</li> </ul> <p><b>Would 9 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Under normal conditions I believe so, but COVID may affect availability of Court Technology and judicial resources, judicial partners, etc.</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>How well would this proposal work in courts of different sizes?</b> We do not see any issues for courts of different sizes in relation to the forms.</p>	
19.	Superior Court of San Diego County by Michael M. Roddy, Executive Officer	A	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>Are the forms and information sheet written in a way that would be understandable to most self-represented court users?</b> Yes.</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> Yes. Having forms available to all courts, so that forms do not have to be created locally, saves substantial time for court staff, including legal staff and clerical staff. It probably saves at least 120 hours in staff time preparing, revising, and approving forms.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b> As of October 28, 2019, there were a total of 4,577 registered sex offenders living in the County of San Diego. It is unclear how many will be entitled to file for termination, as the DOJ has not yet completed its review</p>	The committee appreciates the comments.



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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>process. However, the court does anticipate a substantial increase in work load.</p> <p>Training Staff: At a minimum, the following staff will need training - Criminal Clerk Operation Manager, Criminal Clerk Operations Supervisors, and designated intake clerks will need to be trained. In addition, courtroom clerks will need to be trained to assist judges who receive such termination requests and hold hearings and clerk's desk notes will need to be drafted. In addition, at least two staff attorneys will need to be training to field questions from Judges and other court staff. It is unclear at the time how many hours of training would be needed.</p> <p>Changing docketing codes and modifying case management systems: Currently, DOJ has informed that they want to receive information with the DOJ case number not with the court case number and that notifications need to be sent electronically. DOJ notices for cases are usually transmitted automatically electronically through JURIS, but without court case numbers the court has no way of updating JURIS or any other court case management system. Because numerous of these cases will not have underlying case numbers, since the registrations county does not have to be the county of offense, this is a significant operational hurdle. As far as sending notice to DOJ, the court is constantly working with DOJ to try to make this a workable process. As far as updating court files, for now a lot of the work will need to be</p>	

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>done manually by clerical staff.</p> <p><b>Would 9 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes.</p> <p><b>How well would this proposal work in courts of different sizes?</b> Unknown.</p> <p>See comments on specific forms below.</p>	
20.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	A	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Impact on existing automated systems</li> <li>• Results in additional training, which requires the commitment of staff time and court resources.</li> <li>• Increases court staff workload.</li> <li>• Impact on local or statewide justice partners.</li> </ul> <p>See comments on specific provisions below.</p>	The committee appreciates the comments.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

Service on law enforcement agency and district attorney in county of conviction				
Commenter	Comment		Committee Response	
Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney & Executive Director Chance X. Oberstein, President Sacramento	<ul style="list-style-type: none"><li><b>Clarification that the requirement to serve the petition and proof of current registration upon law enforcement and the district attorney in the “county of conviction” applies only to Registrants convicted in California courts.</b></li></ul> <p>Forms CR-415-INFO, CR-415, and CR-416 indicate or imply that Registrants with foreign convictions are obligated to serve the petition and proof of current registration upon a law enforcement agency and prosecutorial agency in the non-California jurisdiction where they were convicted. However, Penal Code section 290.5(a)(2) requires service upon a law enforcement agency and District Attorney in the county of conviction only if the county of conviction <u>is a California county</u>, and that California county is different from the county in which the petitioner is currently registered. Penal Code section 290.5(a)(2) does not require Registrants convicted in federal, military, or other non-California courts to notify any law enforcement agency or prosecutorial agency in those foreign jurisdictions. To avoid confusion, ACSOL respectfully suggests revisions of the type proposed below:</p>		Penal Code section 290.5(a)(2) requires the petition and proof of current registration to be served on the law enforcement agency and district attorney in the county of conviction. It is not clear what, if any, notice requirement applies for non-California convictions, so the committee declines to specify that the service requirement on the law enforcement agency and district attorney in the county of conviction does not apply to non-California convictions at this time.	
	<b>Form number and section/ location</b>	<b>Statement at issue</b>		<b>Proposed revision</b>
	CR-415-INFO, § 7	None (general suggestion).		Consider adding affirmative statement that petitioners are not required to serve the petition and proof of current registration on any law enforcement agency or prosecutorial agency in the jurisdiction of conviction if they were convicted in a federal, military, or other non-California court.

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Service on law enforcement agency and district attorney in county of conviction			
Commenter	Comment		Committee Response
	<b>Form number and section/location</b>	<b>Statement at issue</b>	<b>Proposed revision</b>
	CR-415-INFO, § 7	“If your registrable offense is from a different county than the one you register in, the petition and current registration must be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.”	“ <u>If you were convicted in a California county court</u> , and if your registrable offense is from a different county than the one you register in, the petition and current registration must be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.”
	CR-415, § 1	Request to identify “The county or counties where petitioner was convicted of an offense requiring registration.”	“ <u>Specify name of court in which petitioner was convicted (i.e., specific California county court, federal district court, military court, or other state court, etc.)</u> ”

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Service on law enforcement agency and district attorney in county of conviction			
Commenter	Comment		Committee Response
	<b>Form number and section/location</b>	<b>Statement at issue</b>	<b>Proposed revision</b>
	CR-415, § 9	Requiring statement re: service upon law enforcement and the district attorney in the “county of conviction”	Consider replacing the parenthetical “(county of conviction)” following “District attorney” and “Law enforcement” with <u>“(county of conviction, if convicted in a California court, and county of conviction is different from county in which petitioner is currently registered)”</u>
	CR-416, § 3	Check boxes for “Law enforcement agency (county of conviction)” and “District attorney’s office (county of conviction).”	Consider replacing the parenthetical “(county of conviction)” following “Law enforcement agency” and “District attorney’s office” with <u>“(county of conviction, if convicted in a California court, and county of conviction is different from county in which petitioner is currently registered)”</u>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

Form CR-415 (petition)		
Commenter	Comment	Committee Response
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p>	<ul style="list-style-type: none"> <li>• <b>Minor points of clarification</b></li> <li>- Some Registrants did not understand that Form CR-415 is the mandatory form for petitions for removal, and wondered if they could submit their own “custom” petitions instead of using Form CR-415. Adding a statement to the introductory sections of Forms CR-415 and CR-415-INFO would help ensure that petitioners use the correct form, omit extraneous information, and include all necessary information.</li> <li>- Section 1(b) of Form CR-415 asks the petitioner to provide “Attorney Information (if applicable).” Some Registrants interpreted this to seek information about their defense attorney in the underlying criminal case, rather than the attorney assisting with the preparation of the petition (if any).</li> <li>- Some Registrants had difficulty reading Forms CR-415 and CR-415-INFO together. This created confusion about when and where to serve copies of Form CR-416, Acknowledgment of Receipt by Law Enforcement/District Attorney, along with copies of the petition and proof of current registration. Although the requirement to serve Form CR-416 is mentioned at the beginning of the petition itself (Form CR-415), the requirement to serve Form CR-416 is nowhere mentioned in Form CR-415-INFO, which contains the “information” that petitioners will consult to determine how the petition should be served. Perhaps Section 7 of Form CR-415-INFO could remind petitioners that they must also serve Form CR-416.</li> </ul>	<p>The committee does not recommend adding a statement to the introductory sections of the petition form and information sheet that use of the petition form is mandatory, but will add a statement to the information sheet that petitioner should not submit evidence that shows proof of rehabilitation unless requested by the court, after the petition is filed.</p> <p>The committee will clarify that attorney information is requested for the attorney assisting with the petition, not former defense counsel.</p> <p>The committee is not recommending that form CR-416 move forward.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Ira Mark Ellman Distinguished Affiliated Scholar University of California, Berkeley Tara Ellman M.B.A. Consultant	<p>B. Adapting petition procedures for registrants with non-California offenses</p> <p>The form itself, CR-415, appears to proceed on the same mistaken assumption that every petitioner’s registration obligation arises from a California state court conviction. Section One of the form asks the petitioner to state the “county or counties where petitioner was convicted of an offense requiring registration.” It asks for the county, but not the state, on the apparent premise that the answer is necessarily a California county. Section 9 requires an affirmation that the petition and proof of registration was served on the District Attorney and law enforcement agency of the country of conviction, as well as (where they differ) the registering county. The references to the county of conviction are inapt for federal convictions, as state counties are not a geographical entity that defines federal prosecutorial jurisdiction. And of course there is no federal “district attorney”. The same references will also be inapt for convictions in the courts of some other states, as the titles and jurisdictional rules relevant to the prosecuting attorney vary. All the questions on the form referencing the county of conviction should thus be labeled to make clear they apply only to petitioners whose registration obligation arises from a California state court conviction.</p> <p>The question, then, is how the form should handle cases of petitioners whose relevant conviction is federal or foreign. The statute itself says nothing about notice or service in these cases. The relevant sentences of § 290.5(a)(2) say:</p> <p style="padding-left: 40px;">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</p>	<p>The committee’s response is provided to the specific suggestions raised below.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>different than the county where the petition is filed. 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.</p> <p>The language in the form understandably tracks the statutory language. Indeed, the reason the form’s sections dealing with service assume the conviction was a California conviction is that this portion of the statute suggests the same assumption when it uses the same language directing service on the “district attorney” of the “county of conviction”. Even more telling is that this same portion of the statute imposes a duty on the law enforcement agency of the county of conviction: it “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.” The legislative assumption that the required service was on a California law enforcement agency is obvious, as the legislature has no authority to impose any such reporting duty on a non-California law enforcement agency. Nor can it impose on non-California agencies a duty to acknowledge receipt of the petition, on draft form CR-416, or otherwise, or expect them to report on whether the petitioner has met requirements imposed by California law. One simply cannot read the statute to impose such obligations on non-California agencies beyond the legislature’s authority to regulate through statutory language that does not mention them. The unavoidable conclusion, which the committee apparently</p>	



**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>shared, is that the portion of the statute requiring notice to the district attorney and law enforcement agency of the “county of conviction” applies only to convictions in a California state court.</p> <p>In sum, while the statute clearly contemplates petitions from registrants with non-California convictions, it imposes no requirement to notice non-California law enforcement agencies or prosecutors. Perhaps that is an oversight. Or perhaps not. The legislature could have chosen to require petitioners whose registration requirement arises from a state court conviction to file their petition in the county of their conviction. But it instead adopted the more convenient rule, for petitioners, requiring filing in the county where they live, but with notice to authorities in the county of conviction. For non-California convictions, no analogous choice was presented; the legislature could not require filing in another jurisdiction’s courts. The only possibility was to require filing in the petitioner’s home county. Perhaps they therefore thought notice was to the other jurisdiction was also unnecessary, or perhaps they didn’t think of the question at all. One cannot tell.</p> <p>If the legislature contemplated an analogous notice requirement for non-California law enforcement agencies, it would have understood the analogy would necessarily be imperfect. No obligation to respond could be imposed on them. But whether intentionally or by inadvertence, the legislature created no such analogous notice requirement. Whether there should be one is a legislative question. The Judicial Council cannot fashion a notice requirement that the statute itself does not impose. Nor is there any reason to think such a requirement crucial. The essential characteristics of the non-California conviction are necessarily already known to the California Department of Justice, because it could not otherwise have placed the petitioner in the correct California tier, and untiered registrants</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-415 (petition)		
Commenter	Comment	Committee Response
	<p>are ineligible to petition. And of course, the California law enforcement authorities in the petitioner’s county of residence do not need legislative or administrative authorization to consult with or request information from the petitioner’s jurisdiction of conviction. Indeed, Section 290.5(a)(2) contemplates just such inquiries when it provides that the registering law enforcement agency shall refer any unassessed non-California registerable convictions that it identifies to the Department of Justice to determine their potential impact on the petitioner’s tier classification.<sup>1</sup></p> <p><sup>1</sup>“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.”</p> <p>In sum, the following changes should be made in CR-415 to accommodate the reality that some petitioners will have no California conviction requiring registration:</p> <p>a. In Section 1a, the request to identify “the county or counties where petitioner was convicted of an offense requiring registration” should be amended to read: “If the petitioner was convicted by a California court of an offense requiring registration, indicate the county or counties in which the conviction occurred.”</p>	<p>Penal Code section 290.5(a)(2) requires the petition and proof of current registration to be served on the law enforcement agency and district attorney in the county of conviction. It is not clear what, if any, notice requirement applies for non-California convictions, so the committee declines to specify that the service requirement on the law enforcement agency and district attorney in the county of conviction does not apply to non-California convictions at this time.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>b. For the convenience of the court, district attorney, and law enforcement authorities of the county in which the petition is filed, the Council may wish to add an additional line in Section 1 after the above, such as: “If you are required to register in California because of a judgment of conviction rendered by a federal court, or a court of another state or jurisdiction, please identify that court.” Adding this line is not crucial, however, because this information about the petitioner’s foreign conviction should already be included in the petitioner’s registration file. It had to be part of that file in order for the Department of Justice to determine the petitioner’s equivalent California offense, and thus his appropriate tier classification. If the petitioner has no tier classification, he of course is ineligible to file for relief from registration.</p> <p>c. In Section 9 of the form, language must be added to the third and fourth rows in the box to indicate they do not apply if the petitioner’s registration obligation is based upon a non-California conviction, as indicated by the petitioner’s answer to Question 1.</p> <p><b>**Some small matters of clarity, etc.</b></p> <p>a. The third bullet point just before Section 1 of CR-415 tells the petitioner he must provide copies of CR-416 to each agency he serves with the petition. It should make clear this is an unsigned or blank form. A pro se petitioner might think it means he must supply a copy of the form that is already signed.</p> <p>b. Section 7 of CR-415 sets out four of the requirements for a Tier 3 petition, but omits two others which are required by § 290.5(b)(3):</p> <ol style="list-style-type: none"> <li>1. The petitioner is not required to register for a section 288 offense (lewd or lascivious), and</li> <li>2. The petitioner is not required to register for a</li> </ol>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>Please see the response above.</p> <p>The committee is not moving forward with form CR-416.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the form that it is recommending for adoption.</p>

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	1192.7( c) offense (serious felony).	
San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	<p>Section 1: There is no space for an attorney’s address, phone number, or e-mail address.</p> <p>Section 3: Recommend adding “(REQUIRED)” in bold before or after the statement “Proof of current registration is attached,” so it is clear from the form itself that the proof must be included.</p> <p>Section 7: Please include an option “Petitioner has been classified as Tier __ by the Department of Justice, but Petitioner asserts the designation is erroneous and Petitioner should be classified in Tier __.” This will alert the prosecutorial agencies and the court that there is a dispute over Tier designation.</p> <p>Section 8: Some pro per litigants may misconstrue this section to include any efforts they have made to be removed from the obligation to register (e.g. Certificate of Rehabilitation). To be specific, the sentence could be modified to “previously filed a Penal Code 290.5 petition in California for termination of . . . .”</p> <p>Section 10: It seems more appropriate to include this affirmatory statement after Section 7 and before information about previous petitions and proof of service.</p>	<p>The committee will add a box to indicate whether the contact information is for the attorney.</p> <p>The committee discussed the suggestion but believes that the proof of current registration requirement is sufficiently clear.</p> <p>The committee discussed the suggestion but does not recommend incorporating it because the petition for termination is not the proper vehicle for challenging a tier designation by the Department of Justice.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee discussed the suggestion but prefers the current structure.</p>
Superior Court of Los Angeles County by Bryan Borys	(2) Bold the following statement on Form CR-415: “petitioner must continue to register as sex offender unless and until court terminates registration requirement.”	The committee discussed the suggestion but prefers the current structure.
Superior Court of Orange County	<p>1. CR-415: Can lines be added to the Superior Court of California address box to make it fillable?</p> <p>2. CR-415: There is a box for Court use only to add the</p>	<p>All forms will be fillable.</p> <p>The committee discussed the suggestion but prefers to</p>

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>hearing date and time. This information wouldn't be known until the response is received from the District Attorney requesting a hearing. We recommend removing this box.</p> <p>3. CR-415, Section 1, a: Recommend changing "MI" to "Middle" for consistency across the other documents.</p> <p>4. CR-415, Section 1, b: Can we get attorney email as well and agreement to communicate electronically?</p> <p>5. CR-415, Section 1, c: Is this contact information for the Petitioner or for the Attorney? If for the Petitioner, should we add address information to the Attorney Information section in b?</p> <p>6. CR-415, Section 1, c: If an email is submitted, can we have a box for them to check to agree to communicating via email or is that assumed by them adding it?</p> <p>7. CR-415, Section 2: This seems out of place here, should be after #6.</p> <p>8. CR-415, Section 9: Should the "Acknowledgment of Receipt" be added to the list of documents that were served on the agencies?</p> <p>9. CR-415, Section 9: For the Law Enforcement and District Attorney (count of conviction) sections, can you add "if different than county of registration"?</p> <p>10. CR-415, Section 9: Capitalize "Attorney" in District Attorney boxes.</p> <p>11. CR-415, Section 10: Recommend adding the following, "... required by petitioner's tier designation as determined by the Department of Justice."</p>	<p>keep the hearing date box, as some courts may want to set a check-in date and note it on the petition form.</p> <p>The committee discussed the suggestion but prefers the current structure.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee will add a box to indicate whether the contact information is for the attorney.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee discussed the suggestion but prefers the current structure.</p> <p>The committee is not moving forward with form CR-416.</p> <p>The committee discussed the suggestion but prefers the current structure.</p> <p>The committee agrees with this suggestion and will capitalize "Attorney" when appropriate.</p> <p>The committee discussed the suggestion but prefers the current structure.</p>
Superior Court of San Diego County by Michael M. Roddy, Executive Officer	<p><b># 1 Petitioner's Information:</b></p> <p>Right below the sentence that reads "The county or counties where petitioner was convicted of an offence requiring registration," it is recommended that another sentences be added to read:</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

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Form CR-415 (petition)		
Commenter	Comment	Committee Response
	<p>“The county or counties where petitioner is required to register, if different than the county of conviction.”</p> <p><b>Reason for Recommendation:</b> Because a petition needs to be filed in the county where a person is registered, this language would be useful at the beginning of the form for clerks/judges to be able to identify misfiled petitions. There exists a variation of this language further down the form in #3 under Registration Status, which could be deleted.</p> <p><b># 3 Registration Status:</b> If the language above is added to #1, #3 could be modified to remove the county of registration and instead add the # of years of registration. In other words, #3, subdivision (a) would read similar to the following: “Petitioner is currently registered and has been so registered for ____ number of years.”</p> <p><b>Reason for Recommendation:</b> It would be useful for a court to know under “Registration Status” how long a Petitioner has been registered, again, to quickly identify those presumptively ineligible petitioners.</p> <p><b>#4 Pending Charges:</b> It is recommended that the term “Subsequent Convictions” also be added to #4, so that the title reads “Pending Charges or Subsequent Convictions” and the body read “To my knowledge, there is no pending charges or subsequent convictions...”</p> <p><b>Reason for recommendation:</b> While Penal Code section 290.5 uses the language that there are “no pending charges,” Penal Code section 290 (e) references a subsequent conviction for a registerable offense, which would also require a new calculation of registration period. So, either a pending charge or subsequent conviction could both take a person out of eligible status.</p>	<p>The committee does not recommend the suggestion, as it is not statutorily required.</p> <p>The committee does not recommend the suggestion, as it is not statutorily required.</p>

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Form CR-415 (petition)		
Commenter	Comment	Committee Response
	<p><b>#7 c. Tier 3 (all of the following apply)</b> Recommend adding a # (5), which Petitioner must also check that says “Petitioner is not a person required to register for a conviction pursuant to Penal Code section 288 or an offense listed in Penal Code section 1192.7(c)” or some variation of such language.</p> <p><b>Reason for recommendation:</b> Penal Code section 290.5, subdivision (b)(3) expressly states: “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 his or her 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.” So, this is also a necessary requirement for eligibility under Tier 3.</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p>	<ul style="list-style-type: none"> <li><b>Per Penal Code § 290.005, Registrants with convictions in federal, military, and other non-California courts are eligible to petition for removal from the registry, warranting a revision to Form CR-415-INFO, § 2, bullet 1.</b></li> </ul> <p>Form CR-415-INFO, Section 2, bullet 1, states that Registrants are eligible to petition if they “are required to register as a sex offender as a result of a California state court conviction.” This statement implies that Registrants convicted in federal, military, or other courts outside California (hereinafter, “foreign convictions”) are ineligible to Petition. However, for the reasons described immediately below, Registrants with foreign convictions are eligible to petition for removal from the registry on the same terms as persons convicted in California courts. Specifically, Penal Code section 290.005 requires persons with foreign convictions to “register in accordance with the Act.” The full text of Penal Code section 290.005 is as follows:</p> <p style="padding-left: 40px;">The following persons shall register in accordance with the Act: . . . (a) [] 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[.]</p> <p>Registrants with foreign convictions who “register in accordance with the Act” are assigned a tier pursuant to the terms of Penal Code section 290(d), which provides that “A</p>	



**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>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, . . . as follows . . .” (Cal. Penal Code § 290(d), emphasis added. See also id., subd. (e) [discussing tier assignments of persons “required to register pursuant to Section 290.005,” i.e., persons with foreign convictions].)</p> <p>Thus, because Registrants with foreign convictions are required to “register in accordance with the Act,” and are thereafter assigned a tier on the same terms as Registrants convicted under California law, Registrants with foreign convictions are entitled to petition for removal pursuant to Penal Code section 290.5(a), which states that “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 he or she is registered for termination from the sex offender registry at the expiration of his or her mandated minimum registration period.” (Cal. Penal Code § 290(a).)</p> <p>The fact that Registrants with foreign convictions are eligible to petition for removal on the same terms as persons with convictions in California courts is confirmed by a publication by the Department of Justice, California Justice Information Services division, entitled “Frequently Asked Questions – California Tiered Sex Offender Registration (Senate Bill 384) For Registrants,” attached hereto as Exhibit A. That document explains that Registrants with foreign convictions are eligible to petition for removal, as follows:</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-415-INFO (information sheet)				
Commenter	Comment		Committee Response	
	<p>If the CA DOJ determines that their non-California conviction is equivalent to a registrable offense listed in Penal Code section 290(c), they will be required to meet the mandatory minimum registration requirements for the applicable tier for that offense before petitioning for termination from the requirement to register as a sex offender in California.</p> <p>(Exh. A, at p. 4, emphasis added.)</p> <p>Accordingly, ACSOL suggests the following revision to Form CR-415-INFO:</p>		<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>	
	Form number and section/ location	Statement at issue		Proposed revision
	CR-415-INFO, § 2	Eligibility requirement which states: “you are required to register as a sex offender as a result of a California state court conviction.”		“You are required to register as a sex offender <u>under California Penal Code section 290, et seq.</u> ”
	<ul style="list-style-type: none"><li>Clarify that: (a) petitions by persons who meet the eligibility requirements of Penal Code § 290.5(a) will be granted as a matter of right if no hearing is requested; and (b) petitioners should not submit evidence of rehabilitation with petition.</li></ul>			

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Feedback obtained by ACSOL confirms that some Registrants mistakenly believe that proof of rehabilitation or other evidence in support of the petition must be filed with Form CR-415. This is likely because some Registrants do not understand that, pursuant to Penal Code section 290.5(a)(2), granting of the petition is mandatory if service of the petition is properly made, if the eligibility requirements of Penal Code section 290.5(a)(2) are satisfied, and if the District Attorney in the county where the petition is filed does not request a hearing. (See Cal Penal Code § 290.5(a)(2) [“If no hearing is requested, the petition for termination shall be granted . . .” (emphasis added)].)</p> <p>For this same reason, and pursuant to the process outlined in Penal Code section 290.5(a), Registrants need only provide evidence of rehabilitation at a hearing, if a hearing is requested and held. However, because the Forms do not indicate that eligible petitions can be granted as a matter of right without this evidence, Registrants may be tempted to attach potentially voluminous, extraneous material to the Petition, unnecessarily burdening the courts and District Attorneys. To avoid this, ACSOL suggests revising Form CR-415-INFO to confirm that granting of the petition is mandatory if the requirements of Penal Code section 290.5(a) are satisfied, and no hearing is requested. In addition, Form 415-INFO could also confirm that evidence of rehabilitation must not be submitted with the petition. Some logical places for these additions are Sections 1 and 8 of Form CR-415-INFO (“Time frame for court’s decision” and “Hearing”). The Judicial Council may also consider adding the clarification to Section 1 of Form CR-415-INFO (“General Information”) so that Registrants can read the entire petition with this information in mind. and 8 of Form CR-415-INFO (“Time frame for court’s decision” and “Hearing”). The Judicial Council may also consider adding the clarification to Section 1 of Form CR-415-INFO (“General</p>	

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<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Information”) so that Registrants can read the entire petition with this information in mind.</p> <p>Clarity regarding the precise documents that qualify as “proof of the person’s current registration as a sex offender” to be submitted with the petition</p> <p>Penal Code section 290.5(a)(1) states that “The petition shall contain proof of the person’s current registration as a sex offender.” This requirement is referenced in several locations throughout the Forms. However, in two locations, Form CR-415-INFO uses the phrase “proof that you are current with your registration” instead of “proof of current registration.” (See Sections 6, bullet 1; and Section 7.) The difference in language could imply that the petitioner must submit two separate items, that is, proof that the petitioner is “currently registered,” as well as separate proof that the petitioner is “current with his/her registration.” This risk of confusion is especially acute in Section 6 of Form CR-415-INFO because the two different phrases are used in neighboring bullet points (1 and 2) when describing the process of filing the petition. To avoid this risk of confusion, and to uniformly employ the language used in Penal Code section 290.5, ACSOL suggests replacing the phrase “proof that you are current with your registration” with “proof of current registration” in both Section 6 and Section 7 of Form CR-415-INFO.</p> <p>Relatedly, Registrants surveyed by ACSOL expressed confusion about the precise documents that qualify as “proof of current registration” for the purposes of the petition. If appropriate, the Forms could confirm that “proof of current registration” includes the DOJ Form CJS 8102S, “Sex Offender Registration Change of Address / Annual or Other Update,” which all Registrants fill out when they register, as well as any other form, cards, or confirmatory documents</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>It is the committee’s understanding that the proof of current registration for the termination process will be provided to the petitioner by the registering law enforcement agency via the California Sex and Arson Registry. There is no formal name for this form at this time.</p>

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	<p>created and provided by individual registering agencies as evidence of current registration.</p> <p>Clarify when the minimum registration period begins for petitioners who were not committed to terms of imprisonment for their offense.</p> <p>Section 3 of Form CR-415-INFO explains how the length of a Registrant’s registration requirement will be calculated, for the purpose of determining when each Registrant is eligible to petition for removal. For example, Section 3, bullet 1, of Form CR-415-INFO states that “Your minimum required registration period begins on the date you were released from imprisonment, placement, or commitment upon being convicted of a registrable offense.” However, that explanation covers only persons who were committed to serve terms of incarceration for their offense, and omits guidance for persons who were placed on supervision with non-custodial dispositions. Registrants who served only terms of supervision are expected to constitute a large percentage of persons eligible to petition for removal from the registry, particularly those assigned to Tier 1. Pursuant to Penal Code section 290(d), the registration period for Registrants who were placed on supervision with non-custodial dispositions begins to run on the date they were “release[d] on probation or other supervision.” To provide guidance to persons placed on supervision only, ACSOL suggests revising Section 3 of Form CR-415-INFO to explain that the minimum registration period for such person begins to run on the date they began supervision.</p> <p>Consider providing additional detail regarding the “Time frame for court’s decision” on the petition in Section 8 of Form CR-415-INFO</p> <p>Section 8 of Form CR-415-INFO describes the “time frame for</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has</p>

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<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the court’s decision” on the petition by stating that “the court will not make a decision until it hears from the law enforcement agency and the prosecuting agency. This may take four months or longer.” To reduce the number of potential inquiries to courts by Registrants who are waiting for a decision on their petition, perhaps Section 8 of Form CR-415-INFO could be expanded to include a comprehensive summary of the timeline and deadlines spelled out in Penal Code section 290.5(a)(2), including the fact that the granting of the petition is mandatory if the petitioner is eligible and no hearing is requested by the District Attorney in the county where the petition is filed.</p> <p><b>Minor points of clarification</b>            Section 4, bullet I of Form CR-415-INFO states that, for Tier 1 and Tier 2 Registrants, one of the criteria for eligibility to petition is that "you are not the subject of pending criminal charges." ACSOL suggest revising this statement to conform with Penal Code section 290.5(a)(2), which states that the only " pending criminal charges" that will disqualify a petition are "pending charges...which could extend the time to complete the registration requirements of the tier or change the person ' s tier status , " i.e., pending charges for failure to register as a sex offender, or a new offense that would itself require registration. (See Cal. Penal Code § 290(e).)</p>	<p>incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>
Ira Mark Ellman Distinguished Affiliated Scholar University of California Berkeley Tara Ellman M.B.A. Consultant	<p>1. Registrants with non-California registerable convictions</p> <p>A. Error in eligibility statement on the information form, CR-415-INFO.</p> <p>This form states in Section 2 that to be eligible to petition for relief under Section 290.5 you must be “required to register...as a result of a California state court conviction.” This statement is incorrect.</p>	

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	<p>Section 290.5(a)(1) allows petitions on behalf of Tier One and Tier Two registrants "required to register pursuant to Section 290". There are two groups required to register under Section 290. Subdivision (c) imposes a registration requirement on those with California convictions. Subdivision (d) explains these registration rules apply to a "person described in subdivision (c), <i>or who is otherwise required to register pursuant to the Act</i>" (emphasis added). Both groups, subdivision (d) says, shall register "for 10 years, 20 years, or life", depending upon their tier classification. The only way those in either group who are placed in Tiers One or Two can register for 10 or 20 years is through the petition process established by Section 290.5. Both Subdivisions (d) and (c) are thus necessarily referenced by the language in Section 290.5(a)(1) allowing petitions on behalf of those "required to register pursuant to Section 290".</p> <p>The rest of Section 290 points the same way. Section 290(a) defines "the Act" as "Sections 290 to 290.024, inclusive". It thus includes Section 290.005, the section addressing individuals with non-California sexual convictions equivalent to California registerable offenses. They are thus among those to whom Section 290(d) refers when it references individuals "otherwise required to register under the Act". Section 290(d)(4)(A) references Section 290.005 explicitly, directing that individuals with non-California convictions be placed in the same tier as those with the equivalent California convictions "described in subdivision (c)". If there is no equivalent California registerable offense, subdivision (d)(4)(B) places them in Tier Two. The section's careful directions explaining how each registrant with a non-California conviction should be classified into a California tier has the obvious purpose of identifying those entitled to petition for removal after either ten or twenty years.</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

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	<p>A rule limiting petitions to those whose triggering conviction was in California state court would exclude all California residents prosecuted in federal court for an offense committed in California, including a registrable offense committed on Indian land or on federal land such as national parks. It would exclude all Californians convicted in the court of another state in which they resided temporarily to attend school, or for their work. These exclusions would violate the policy adopted by the legislature, which is to treat all similar offenses similarly, without regard to where they were committed or the court in which they were prosecuted. They are inconsistent with the core policy purpose of the Act, which was to allow relief from California registration for all those in Tier One or Two who live here.</p> <p><i>For these reasons, Section 2 of CR-415-INFO should be amended to delete, in the first bullet point, the words “as a result of a California state court conviction.”</i></p> <p><b>Other mistakes of law</b></p> <p>a. Section 4 of the INFO form, in the first bullet point, tells the petitioner he is only eligible if “you are not subject to pending criminal charges”. This is wrong. You are ineligible if there are pending criminal charges that could affect your tier designation, but other criminal charges do not affect eligibility. See Section 290.5(a)(2).</p> <p>b. Page 9 of the INFO form helpfully distinguishes the four different kinds of petitions:  Tier 1 (adult)  Tier 2 (adult)  Tier 2 (10 year registration exception)  Tier 3 (20-year exception when tier 3 is based solely on risk</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p>



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Form CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
	<p>assessment)</p> <p>There is, however, a difficulty with the two exception categories. These difficulties may be beyond the Council’s ability to fix, but they should at least be noted. The law is clear that petitions on behalf of tier 1 and 2 petitioners filed under Section 290.5(a)(2) trigger a hearing only when the DA of the county in which the petition is filed requests it within the 60-day period allowed. If there is no request, the petition will normally be granted. But there are no similar provisions in Section 290.5(b), which governs the two “exception” petitions. Section 290.5(b) mentions neither the DA nor the law enforcement agency, and contains no statement that the petition must be served on them, that they must act within any particular time period, or that the DA may request a hearing. The statute just says that “the court shall determine whether community safety would be significantly enhanced.”</p> <p>The forms do not reflect these procedural distinctions between the two regular petitions, and the two exception petitions. four categories of petition. Section 3 of the INFO form does contain a table setting forth the minimum registration period required, for each of the four petition categories, before a petition is filed. Section 7 of the petition form asks the petitioner to identify which of the four categories the petition falls into. But there is nothing to suggest any difference in the petition process. Apparently, the Council interprets the statute as importing the procedural provisions set out in subdivision 290.5(a) into subdivision § 290.5(b), so that they apply to petitions filed under both subdivisions. It is not clear to us that the section can be read this way. But if the Council chooses to go forward with this interpretation, we have two observations. First, the forms must somewhere explain this interpretation of the statute, for the benefit of attorneys assisting petitioners as well as <i>pro se</i> petitioners. Second, if the Council’s position is that the procedural provisions set out in § 290.5(a) also apply to</p>	<p>The committee discussed the suggestion but does not recommend including any statutory interpretation.</p>

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	<p>petitions filed under § 290.5(b), then surely all of these procedural provisions must apply. There is no basis for importing some of them into subdivision (b), but not others. This means § 290.5(b) petitions also trigger time limits within which the district attorney must file a hearing request, and the rule that the petition is normally granted if he files no request within that 60-day time period.</p> <p><b>Additional information that should be provided to petitioners.</b></p> <p>1. Section 6 tells registrants their petition must include “proof that you are current with your registration.” Petitioners need more guidance to know exactly what’s needed to satisfy this requirement. Presumably, a receipt from the petitioner’s registering agency acknowledging completion of his most recent required registration would suffice; if so, Section 6 should state that explicitly. But as the statute does not establish any exclusive method of proof, other documents may also suffice. The form should include any practical alternatives to a receipt that the committee believes acceptable.</p> <p>We also note that the wording on the draft form in the first sentence of Section 6 (“proof you are current with your registration”) departs from the statutory language. Section §290.5(a)(1) requires “proof of the person’s current registration as a sex offender”. It seems clear the statutory requirement is met by a receipt from the registering agency showing petitioner is currently registered, as it would establish the petitioner’s “current registration.” The different phrasing on the draft form, however, could be mistakenly read to require the petitioner to prove every item of his registration is “current”, even though California law does not require such continuous updating of every item included in a registrant’s periodic registration renewals. (Section 290.12(a), only requires most registrants “to</p>	<p>The committee recommends replacing “proof that you are current with your registration” with “proof of current registration.”</p>

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<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>register annually, within five working days of his or her birthday, to update his or her registration”; Subdivisions (b) and (c) do require transients and those adjudicated “sexually violent predators” to update at 30 or 90 day intervals, respectively.) We therefore suggest the language of the form, here and in Section 7, be revised to conform it to the language of the statute.</p> <p>2. Section 8 offers a single sentence on the time frame for the court’s decision, saying only it “may take four months or longer”. We believe this section should provide petitioners a more complete explanation of the specific deadlines set forth in § 290.5(a)(2). In particular, the form should explain that</p> <p style="padding-left: 40px;">a. the law enforcement agency has 60 days to report, to the court and the district attorney, whether the registrant is eligible to petition, unless it discovers a conviction not previously considered by the Department of Justice. In that case it may delay while the Department of Justice considers whether the newly-identified conviction requires placing petitioner in a different tier.</p> <p style="padding-left: 40px;">b. If the district attorney desires a hearing on the petition, it must request it within 60 days after receiving law enforcement’s eligibility report.</p> <p style="padding-left: 40px;">c. The statute states that if the district attorney does not request a hearing, “the petition for termination shall be granted”, so long as the petitioner provided the required proof of current registration, and the registering agency reported the petitioner is eligible to petition. This important fact should be stated here.</p> <p>3. The initial 60-day period within which the law enforcement agency must ordinarily report to the court and the district attorney as to petitioner’s eligibility starts running when it receives the petition. It might be useful if CR-416, the form</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee is not moving forward with form CR-416.</p>

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	<p>acknowledging the petition's receipt, noted that fact, as reminder of this deadline for all parties.</p> <p>4. Sections 6 and 7 contain helpful information to the petitioner on how to file the petition in court and how to serve it on the relevant parties. It is of course important for the petitioner to have proof of the dates of filing and service. This is obvious to lawyers but its importance may not be obvious to petitioners handling this on their own. Section 6 advises the petitioner to contact the court clerk as to the acceptable methods of filing in that court; it should also advise the petitioner to ask how proof of the filing, and of the date, is obtained for each method. Section 7 suggests personal service on agencies is the most reliable method; it should also advise the petitioner to get a copy of the signed Form CR-416 from the recipient agency at that time, or some other written acknowledgment of receipt. For agencies which accept electronic service, the petitioner should be advised to make sure he understands how to confirm receipt of the petition electronically. For postal service, the form advises use of simple first class mail. It may be better to advise the petitioner to mail the documents by certified mail with a return receipt requested. Finally, we suggest that the INFO sheet give the petitioner some basic guidance as to how to access the docket sheet for his petition so that he can confirm that the court has received its copy of Form CR-416, the acknowledgment, within the prescribed ten day time limit.</p> <p><b>**Some small matters of clarity, etc.</b></p> <p>c. Service. It is helpful that Section 7 of the INFO explains service. We suggest this section contain an additional point, obvious to lawyers, that service must be made before the petition itself is filed, as implied by Section 9 of the petition form itself which requires the petitioner to indicate the date on</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>

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<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>which service was made and the method of service. It would probably also be useful if a cross reference to this material on the INFO sheet was included at the beginning of Section 9 of the petition, something like “See Section 7 of CR-415 INFO for an explanation of how and to whom service must be made.” Perhaps Section 9 should also remind the petitioner that a copy of CR-416 be included with the petition when it is served.</p> <p>d. INFO sheet section 3: Perhaps it’s best to avoid the use of the word “toll”, which non- lawyers are unlikely to understand. E.g., one could replace the current second sentence of this section with this sentence: “Time spent in incarceration, placement, or commitment does not count toward the minimum required registration period, unless it was the result of an arrest that did not result in a conviction, adjudication, or revocation of probation or parole.”</p> <p>e. INFO sheet section 4. This could be made clearer if it were divided into two sections, separating out the two exception provisions from the others. As it stands, the first word “only” in the first bolded sentence is wrong, because you do not have the reach the end of your registration period to apply under either of the exception categories. But the phrase would be correct if it were clear it applied only to the petitions referenced in the first two rows of the table in Section 3. If section 4 is limited to the two regular petition categories, then a new Section 5 could deal with the two exception categories.</p> <p>A new Section 5 would contain the second bolded paragraph in current section 4. This paragraph needs to be corrected, which will make it a bit longer anyway. The paragraph mistakenly omits two additional attributes that would disqualify a Tier 3 applicant: the petitioner is also disqualified if required to register for a section 288 offense (lewd or lascivious) or a</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>

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	<p>1192.7(c) offense (serious felony).</p> <p>f. INFO section 9. It may be clearer and more accurate to replace “Prosecuting agency” with “district attorney in the county where the petition is filed.” The current language might be read to suggest, erroneously, that the D.A. of the county of conviction can request a hearing.</p> <p>The section should also make clear that there is no hearing if the DA does not request one, and that in such a case, the court must grant the petition if it 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.”</p>	<p>The committee discussed the suggestion but prefers to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>
San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	<p>Section 2: The information sheet suggests only individuals required to register as a result of a California state court conviction are eligible to petition. Pursuant to Penal Code sections 290 and 290.5 registrants may also be eligible to petition for relief if they are required to register in California for convictions from other states, federal convictions, and military convictions.</p> <p>Section 4:</p> <ul style="list-style-type: none"> <li>• The information sheet incorrectly states the petitioner “cannot be the subject of pending criminal charges.” That is an oversimplification. By statute, the petitioner cannot be pending charges which could extend the minimum registration period or could change the Tier status.</li> <li>• The second bullet point is “you are not in custody.” Pro-per</li> </ul>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

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	<p>litigants will probably understand better “you are not currently in jail or prison.”</p> <p>Section 7: Instructing petitioner to contact every agency that must be served to check if there is a specific person or mailing address may be good advice, but the way it is written makes it appear such action is required. The individual agencies who receive petitions should be responsible for making sure the petition delivered to the appropriate individual within the agency. It should not be incumbent upon the petitioner to track down that information.</p>	<p>The committee does not recommend changes to this section.</p>
Superior Court of Orange County	<ol style="list-style-type: none"> <li>1. CR-415-INFO, Section 3: Starts by stating “your tier” and later says “where they” register. Needs to be consistent.</li> <li>2. CR-415-INFO, Section 3: Should something be added about where they can go to get their Tier information? For example: “The Department of Justice will determine tier placement for all current registrants. Once you have been tiered, you can obtain this information directly from the law enforcement agency where you register...”</li> <li>3. CR-415-INFO, Section 3: Should Tier 3 – Lifetime be added to the chart?</li> <li>4. CR-415-INFO, Section 4: Recommend removing “coming within” – “If you are assessed as Tier 1 or Tier 2...”</li> <li>5. CR-415-INFO, Section 7: Recommend changing “on” to “to” in first paragraph. “...must deliver a copy of the petition and proof that you are current with your registration to:”</li> </ol>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee does not recommend adding the lifetime tier to the chart since registrants in that tier are generally ineligible to petition to terminate.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

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<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>6. CR-415-INFO, Section 7: Recommend rewording second paragraph to “If you were convicted of a registrable offense in a different county than where you currently reside and/or register in, the petition and proof must also be delivered to...”</p> <p>7. CR-415-INFO, Section 7: Should the “Acknowledgment of Receipt” be added to the list of documents that must be delivered? If so, should there be something that tells the defendant they should fill out the form or should it be completed by the agency?</p> <p>8. CR-415-INFO, Section 8: Does not mention if the petitioner has a right to attend the hearing.</p> <p>9. CR-415-INFO, Section 8: Should something be added that the decision could take longer if DOJ requires more time to determine or reassess the tier level (TBD designation)?</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for form.</p> <p>The committee is not moving forward with form CR-416.</p> <p>The committee discussed this suggestion but concluded that it did not need to be included in the information sheet. The committee notes that individual courts will be setting up the procedures for how and when the hearings will be held and will communicate that to the petitioners as needed.</p> <p>The committee does not recommend additional language regarding tier assessments.</p>
Superior Court of San Diego County by Michael M. Roddy, Executive Officer	<p><b>#4 Are there any requirements besides registering for my tier’s minimum time period?</b></p> <p>In the first bullet point, for the same reason as stated above, perhaps consider adding the following italicized language “You are not subject to pending criminal charges nor <i>suffered a subsequent conviction that extends your registration period</i>”</p> <p>The top of page 2 which lists the criteria in bullets that would exclude a Tier 3 offender from registering, it is recommended that an additional bullet be added that says, something along the lines of:</p> <p><input type="checkbox"/> You were not required to register for a conviction pursuant to Penal Code section 288 or an offense listed in Penal</p>	<p>The committee does not recommend the suggestion, as it requests information that many petitioners may not accurately know.</p> <p>The committee agrees with this suggestion and has incorporated it, with modifications, into the form that it is recommending for adoption.</p>



**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

Form CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
	<p>Code section 1192.7 (c).</p> <p><b>#5 If I have been designated as being in Tier 2 (Adult), how do I know if I qualify for the Tier 2 10-year registration exception?</b>  The last two bullet points could be consolidated into one to read:  “You were not convicted of a new offense requiring sex offender registration nor an offense described in Penal Code section 667.5(c) since your release from custody upon conviction for the offense originally giving rise to your duty to register.”</p> <p><b>#6 At the end of my minimum period of registration, where and how do I file my petition with the court?</b>  The third bullet says “contact the clerk or check the court’s website to see if any local rules exist regarding filing and/or service of the petition.” It is recommended that the language saying “contact the clerk” be deleted to avoid an influx of calls to court clerks.</p> <p><b>#7 Who else gets a copy of the petition and how?</b>  It is recommended that the word “also” be added to the paragraph right after the bullets to make it clear that both the county of offense and county of registration need to be served. The paragraph would read:  “If your registerable offense is from a different county than the one you register in, the petition and proof of current registration must <i>also</i> be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.”</p> <p><b>#9 Hearing</b>  The last sentence currently reads:  “At the hearing, the court will make its decision about whether</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee prefers to keep the existing language.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

Form CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
	<p>you should continue registering for community safety by reviewing the facts of your case and your conduct since the conviction.”</p> <p>It is recommended that this be modified to read: “At the hearing, the court will make its decision about whether you should continue registering for community safety by reviewing the facts of your case, your conduct <i>before and after</i> the conviction, and your current risk of sexual or violent reoffense, <i>among other factors</i>.”</p> <p>The modification is recommended in order to conform with the language in Penal Code section 290.5 which reads: “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 <i>before and after conviction</i> 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 <i>the person’s current risk of sexual or violent reoffense</i>, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if available.” (emphasis added).</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Los Angeles County District Attorney's Office By Bradley L. McCartt, Deputy-in-Charge	<p>The Los Angeles County District Attorney's Office sponsored SB 384 (Tiered Sex Offender Registration). There are over 140,000 sex registrants statewide who may be petitioning the court for relief from the duty to register beginning July 1, 2021. According to Department of Justice estimates, Los Angeles County will bear the burden of the largest number of petitions for removal from the sex offender registry. Form CR-416 places an additional non-statutory burden on law enforcement and the District Attorney which was not included in SB 384.</p> <p>This form requires acknowledgement of proof of service of the petition for removal from the registry and must be filed with the court within 10 days of the receipt of a petition. This transfers the burden regarding "proof of service" from the petitioner to the District Attorney's Office and Law Enforcement Agency. In other post-conviction criminal petitions, such as 1170(d), Proposition 47 and Proposition 64, the respondent (District Attorney) is not tasked with the responsibility of submitting proof that they were properly served with the petition. That responsibility is on the moving party.</p> <p>This additional deadline and work are overly burdensome. District Attorneys are already required to file form CR-417 "Response by District Attorney to Petition to Terminate Sex Offender Registration " with the court in response to each petition (following receipt of a petition, law enforcement has 60 days to complete their analysis and then once provided to the District Attorney, they have another 60 days to file form CR-417 with the court). District Attorneys and Law Enforcement Agencies will be forced to divert resources from processing petitions in order to meet this redundant task and arbitrary deadline.</p> <p>Even more disconcerting, because SB 384 requires additional</p>	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>service of the petition on the District Attorney and Law Enforcement Agency in the county of original conviction, these agencies will now have the added burden of filing paperwork in other jurisdictions on petitions which would not be heard in their county. This was never anticipated.</p> <p>District Attorney's Offices and Law Enforcement Agencies will already be tasked with responding to petitions under the strict deadlines actually proscribed by SB384. Due to COVID-19 and statewide budgetary cuts, the personnel and resources at these agencies will already be strained in order to meet the statutory deadlines imposed by SB384.</p> <p>For the above stated reasons, the Los Angeles County District Attorney's Office objects to the use of Judicial Council Form CR-416.</p>	
Los Angeles Police Department by Lauren Rauch, Detective/290 Coordinator	<p>Form CR-416 is burdensome and creates unnecessary redundancy. Law enforcement will already be entering information from termination petitions into the California Sex and Arson Registry. In addition to evaluating and responding to each of these petitions, LAPD would also be required to complete and file CR-416 Forms with the court for every petition received.</p> <p>Comparatively speaking, completing and filing the form is similar to completing a search warrant return for every petition received. It is anticipated that 1,500 – 1,800 sex offenders within the jurisdiction of the Los Angeles Police Department (LAPD) will be eligible to file registration termination petitions beginning on July 1, 2022. Add to that the CR-416 Forms that LAPD will also be required to complete and file for petitioners residing outside of LAPD's jurisdiction. These are petitions that LAPD is not even handling, but was the investigating agency for the petitioner's qualifying conviction.</p>	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-416 (Acknowledgment of receipt)		
Commenter	Comment	Committee Response
Los Angeles County Sheriff Department by Alex Villanueva, Sheriff	<p>On behalf of the Los Angeles County Sheriff's Department, we strongly oppose the proposed rule relating to the implementation of SB384, Sex Offender Registration Act, specifically the adoption of Form CR-416.</p> <p>The Proof of Service requirement of Form CR-416, is redundant and would put an unnecessary burden on law enforcement agencies statewide. The Los Angeles County Sheriff's Department currently supervises more than 4000 registered sex offenders. Based on the California Department of Justice 's estimate that at a minimum 30 percent of registered sex offenders would be eligible or petition for termination of sex offender requirements, Detectives at the Department's 23 patrol stations would be responsible for more than 1200 petitions on July 1, 2021.</p> <p>Adoption of Form CR-416 would immediately overwhelm those tasked with monitoring the state's registered sex offender population and take precious time away from completing the investigations required for each petition received. Additionally, the cost associated with ensuring this newform is received by the appropriate station, processed, filed in the appropriate counties, in the prescribed timeframe would be excessive.</p>	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.
San Diego County District Attorney by Summer Stephan, District Attorney	Thank you for the opportunity to provide public comment regarding proposed Judicial Council Form CR-416. For almost three years, my office has been helping lead the statewide charge with respect to the roll-out of SB384. We've hosted statewide stakeholders to get prepared and train law enforcement up and down the state. We've engaged our local law enforcement partners to develop strategic planning to meet this transformational shift in the tiering of sex registrants. We are working tirelessly behind the scenes with our law enforcement agencies to get ready for the sea change in	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>process, workloads, and logistics. Although we are never known to shy away from more work, I respectfully oppose the proposed Form CR-416 as it creates an undue burden while also shifting responsibility from the petitioner to law enforcement agencies and prosecuting agencies to generate and provide proof of service to the court.</p> <p>There are over 140,000 sex registrants in our 58 counties who may be petitioning the court for termination of the duty to register beginning on July 1, 2021. Law enforcement agencies and prosecutor's offices are tasked with responding to petitions under the strict turnaround deadlines proscribed by SB384. Form CR-416 adds an undue burden by requiring our agencies to generate and return this additional form to the court within 10 days of being served with a petition for termination by a sex registrant.</p> <p>In San Diego County, there are over 4,600 sex offenders who could potentially file a petition for termination and for whom our agencies, law enforcement and prosecutors, would be required to file Form CR-416. In addition, consistent with SB384, law enforcement agencies and prosecuting agencies would also be responsible for filing Form CR-416, for any petition served by a sex registrant previously convicted in San Diego but who now resides in a different county in California. In that scenario, Form CR-416 would require our local agencies to file Form CR- 416 with the Superior Court in the county in which the sex registrant currently resides, at the time of filing of the petition. This adds yet an addition burden for our agencies to figure out both the correct Superior Court and manner, in which to file Form CR-416. This responsibility would carry on in perpetuity in light of the new tiered sex offender registry schema.</p> <p>Form CR-416 creates an additional, non-statutory,</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>responsibility for law enforcement and prosecuting agencies who will have to divert time and resources from the processing and responding of the actual termination petitions in order to process and meet this additional deadline. Pre-COVID, our agencies were already facing a challenge to meet the tight deadlines and mandates of SB384. Post-COVID budgetary cuts, our personnel and resources will be hard- pressed to meet the requirements of SB384 in addition to the requirements created by Form CR- 416.</p> <p>Finally, Form CR-416 shifts the responsibility to verify that a petition was properly served from the petitioner (sex offender) to the responding party (law enforcement and prosecuting agencies). The responsibility of returning a proof of service to the court lies with the moving party who is seeking relief from the court, not the respondent. In other post-conviction criminal petitions, such as 1170(d), Proposition 47, and Proposition 64, the respondent (District Attorney) is not tasked with the responsibility of submitting proof that they were properly served with the petition.</p> <p>That responsibility falls on the moving party. My office is well-equipped at maintaining databases, accurately tracking petitions received, record-keeping on all criminal matters from misdemeanor to homicide cases, and managing other complex pleadings and petitions electronically. For almost 15 years my office has enjoyed a sound electronic case management system and is able to quickly retrieve data and properly document any developments on a particular case or petition.</p> <p>For the reasons delineated above I respectfully oppose to an additional Form CR-416. Our law enforcement community resources are tapped as thin as they can be during this pandemic and during this budget crisis. Law enforcement agencies are expert at record-keeping, tracking, and documenting what information comes as intake. Time is better</p>	

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	spent focused on processing the requests themselves and doing the complex “tolling” analysis required by SB384. The responsibility to file a proof of service with the court should rest solely upon the moving party – in this case the petitioner seeking termination from his/her sex registration duty.	
San Diego County Police Chiefs’ and Sheriff’s Association by Chief Roxana Kennedy, President Chula Vista, California	<p>The San Diego County Police Chiefs’ and Sheriff’s Association, which includes the San Diego County District Attorney respectfully objects to the requirement of Judicial Council Form CR-416. Form CR-416 creates an undue burden while also shifting responsibility from the petitioner to law enforcement agencies and prosecuting agencies to generate and provide proof of service to the court.</p> <p>There are over 140,000 sex registrants in our 58 counties who may be petitioning the court for termination of the duty to register beginning on July 1, 2021. Law enforcement agencies and prosecutor’s offices are tasked with responding to petitions under the strict turnaround deadlines proscribed by SB384. Form CR-416 adds an undue burden by requiring our agencies to generate and return this additional form to the court within 10 days of being served with a petition for termination by a sex registrant.</p> <p>In San Diego County, there are over 4,600 sex offenders who could potentially file a petition for termination and for whom our agencies, law enforcement and prosecutors, would be required to file Form CR-416. In addition, consistent with SB384, law enforcement agencies and prosecuting agencies would also be responsible for filing Form CR-416, for any petition served by a sex registrant previously convicted in San Diego but who now resides in a different county in California. In that scenario, Form CR-416 would require our local agencies to file Form CR-416 with the Superior Court in the county in which the sex registrant currently resides, at the time of filing</p>	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.



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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-416 (Acknowledgment of receipt)		
Commenter	Comment	Committee Response
	<p>of the petition. This adds yet an additional burden for our agencies to figure out both the correct Superior Court and manner, in which to file Form CR-416. This responsibility would carry on in perpetuity in light of the new tiered sex offender registry schema.</p> <p>Form CR-416 creates an additional, non-statutory, responsibility for law enforcement and prosecuting agencies who will have to divert time and resources from the processing and responding of the actual termination petitions in order to process and meet this additional deadline.</p> <p>Pre-COVID, our agencies were already facing a challenge to meet the tight deadlines and mandates of SB384. Post-COVID budgetary cuts, our personnel and resources will be hard-pressed to meet the requirements of SB384 in addition to the requirements created by Form CR-416.</p> <p>Finally, Form CR-416 shifts the responsibility to verify that a petition was properly served from the petitioner (sex offender) to the responding party (law enforcement and prosecuting agencies). The responsibility of returning a proof of service to the court lies with the moving party who is seeking relief from the court, not the respondent. In other post-conviction criminal petitions, such as 1170(d), Proposition 47, Proposition 64, etc., the respondent (District Attorney) is not tasked with the responsibility of submitting proof that they were properly served with the petition. That responsibility falls on the moving party.</p> <p>For the reasons delineated above, the San Diego County Police Chiefs' and Sheriffs' Association respectfully objects to this additional form CR-416. Our police agencies are expert at keeping records, tracking, and documenting information as intake. Our time should be focused on processing the requests</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-416 (Acknowledgment of receipt)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	themselves and completing the complex “tolling” analysis that SB 384 requires. The responsibility to file a proof of service with the court rests solely upon the moving party, i.e. the petitioner seeking termination from his/her registration duty.	
San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	<p>The simple proof of service filed by petitioner as shown in Section 9 of CR-415 should be sufficient to establish the law enforcement agencies and prosecutorial agencies received the petition and proof of current registration. Requiring law enforcement and the District Attorney to complete and return a form creates extra work for those agencies and for the court clerks who would need to file between two to four additional forms per petitioner.</p> <p>Further, what is the consequence if the law enforcement or prosecutorial agencies fail to return the form? It is the receipt of the petition with proof of registration which triggers the statutory timelines. If the court does not receive the CR-416 form, does that mean the court will consider the petition inappropriately served? If the date of service in the proof of service on CR-415 and the date of receipt on CR-416 differ, which controls? What does the form add to the petition process that is not already contemplated by proof of service?</p>	Based on these and other comments, the committee has decided not to move forward with the Acknowledgement of Receipt form.
Superior Court of Orange County	<ol style="list-style-type: none"> <li>1. Can lines be added to the Superior Court of California address box to make it fillable?</li> <li>2. Section 3: Since the registering and law enforcement agency county of conviction be the same as the county of registration? Can the form state "if different than county of registration"?</li> <li>3. Section 3: Capitalize “Attorney” in District Attorney boxes.</li> </ol>	The committee is not moving forward with form CR-416.
Trial Court Presiding Judges Advisory Committee/Court	One technical change on Form CR 416. While there is a section to add a “date” where the individual acknowledges receipt of	The committee is not moving forward with form CR-416.

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-416 (Acknowledgment of receipt)		
Commenter	Comment	Committee Response
Executives Advisory Committee Joint Rules Subcommittee (JRS)	the copy of a petition to terminate sex offender registration and proof of current sex offender registration, there is no signature date for the agency representative when signing the document. The “signed date” will be important to the court in determining if the document was appropriately returned to the court within the stated time frame.	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-417 (district attorney response form)		
Commenter	Comment	Committee Response
Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney & Executive Director Chance X. Oberstein, President Sacramento	Section 2(c) of Form CR-417 and Section 3 of Form CR-418 provide check boxes for some, but not all, of the grounds on which the petition could be denied. ACSOL suggests adding check boxes that correspond to the other grounds for denial, such as “required proof of registration is missing from the petition.”	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
California Department of Justice by Linda Schweig, Assistant Director Justice Data and Investigative Services Bureau Sacramento, California	**The Department of Justice requests adding a line for the district attorney to write the petitioner’s CSAR petition number on the response form.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	Per the instruction sheet, “the prosecution agency may request a hearing if it does not believe you have registered for the minimum time period required or if it believes that you should continue registering for community safety.” The response form only suggests a hearing is requested for the later prong (the community safety prong.) The way this form is drafted suggests no hearing is required if the prosecutor believes the petitioner has not registered for the minimum time period. Clearer drafting would be:  o The district attorney has no objection to this petition. o The district attorney objects to granting the petition and requests a hearing because: o Community safety would be significantly enhanced . . . o Petitioner has not met the minimum time period for registration o Petitioner does not qualify for termination because:	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of Orange County	1. Can lines be added to the Superior Court of California address box to make it fillable?	All forms will be fillable.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-417 (district attorney response form)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>2. Would the court fill out the hearing date after this form is filed and use it to give notice to the Petitioner and DA about the hearing date?</p> <p>3. Section 2, c: Should (c)(1) be a reason under (b)? PC 290.5(a)(2) states the DA can request a hearing on the petition if the petitioner has not fulfilled the requirement as described in PC 290(e) or if community safety would be significantly enhanced.</p> <p>4. Section 2: Can DA requests petition to be denied because petitioner is in custody or under supervision, etc. Or would this fall under “Other”?</p> <p>5. Should the Name and Signature lines have a title? Like Printed Name of DA, signature of DA</p>	<p>The court may, but it not required, to use the form to notify parties of the hearing date.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee prefers the existing format.</p>

<b>Forms CR-417 (district attorney response form) and CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Ira Mark Ellman Distinguished Affiliated Scholar University of California Berkeley Tara Ellman M.B.A. Consultant</p>	<p>Section 3 of CR-418 provides a form for summary denial. It contains 2 checkboxes identifying specific reasons for the summary denial, and a third that simply states “other” with a single blank line for further explanation. The statute provides for more than two bases for summary denial. We believe the order should identify the basis for the summary denial as explicitly as possible, especially as petitioners may reapply, and more guidance as to when they can reapply would help relieve the petitioner and the court of the burdens of unripe re-applications. An expanded set of checkboxes would make it easy for the court to do this. We suggest below a revised version of this portion of the form to do this. If the petition is rejected summarily because it is filed before the end of the mandatory minimum registration period, the order should include the date on which the petitioner will be eligible to apply, a date the court will necessarily have determined in order to conclude the petition was filed prematurely. If the</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Forms CR-417 (district attorney response form) and CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>court's calculation included an extension of the mandatory minimum period because of either a statutory tolling requirement or additional period triggered by a conviction for failure to register, that fact should also be noted, to help forestall mistaken appeals by petitioners unaware of these extension rules.</p> <p>Our suggested revision of this portion of the form is set forth here. (The italicized language in this suggested revision would be included if the Council chooses to import provisions of § 290.5(a) into the criteria for granting a petition under § 290.5(b).)</p> <p>The court summarily denies the petition because it finds petitioner is ineligible because he or she is</p> <p><input type="checkbox"/> 1. Registered in tier 1 or tier 2, and</p> <p><input type="checkbox"/> has not met the mandatory minimum registration period for that tier. Unless petitioner is convicted of a new offense extending it, the mandatory minimum registration period will be met as of _____ [Insert date]</p> <p><input type="checkbox"/> The mandatory minimum period that would otherwise have applied was extended to the above date as a result of petitioner's incarceration between _____ and _____ [Insert dates]</p> <p><input type="checkbox"/> The mandatory minimum period was extended because of the petitioner's conviction for failure to register.</p> <p><input type="checkbox"/> has not met one or more of the other criteria listed in Section 290.5(a)(2):</p> <p><input type="checkbox"/> required proof of current registration is missing from the petition</p> <p><input type="checkbox"/> there are pending charges against petitioner which could extend the time to complete the registration requirements of the tier or change petitioner's tier status</p>	

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Forms CR-417 (district attorney response form) and CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><input type="checkbox"/> petitioner is in custody, or on parole, probation, or supervised release.</p> <p><input type="checkbox"/> 2. Registered in tier 2, and</p> <p><input type="checkbox"/> has not met all the criteria for a 10-year registration exception in section 290.5(b)(1) and (2)</p> <p><input type="checkbox"/> has not met one or more of the other criteria listed in Section 290.5(a)(2):</p> <p><input type="checkbox"/> required proof of current registration is missing from the petition</p> <p><input type="checkbox"/> there are pending charges against petitioner which could extend the time to complete the registration requirements of the tier or change petitioner's tier status</p> <p><input type="checkbox"/> petitioner is in custody, or on parole, probation, or supervised release.</p> <p><input type="checkbox"/> 3. Registered in tier 3 solely on the basis of a risk assessment score, and</p> <p><input type="checkbox"/> has not met all criteria for a 20-year registration exception in section 290.5(b)(3).</p> <p><input type="checkbox"/> has not met one or more of the other criteria listed in Section 290.5(a)(2):</p> <p><input type="checkbox"/> required proof of current registration is missing from the petition</p> <p><input type="checkbox"/> there are pending charges against petitioner which could extend the time to complete the registration requirements of the tier or change petitioner's tier status</p> <p><input type="checkbox"/> petitioner is in custody, or on parole, probation, or supervised release.</p> <p>The same changes should be made to the checkboxes in Section 2(c) of CR-417, the form for response by the district attorney. Changes to CR-417 should also include the presumptive</p>	

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**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Forms CR-417 (district attorney response form) and CR-418 (order)		
Commenter	Comment	Committee Response
	ripeness date, as well as the same items identifying the reason for extending the period, tolling or a failure-to-register conviction, that the district attorney relies upon in calculating that date.	
Superior Court of San Diego County by Michael M. Roddy, Executive Officer	<b>CR-417, #2 Response and CR 418 # 3 Summary Denial</b> There are other reasons that a court may be able to summarily deny a petition, other than those currently listed. Having an “Other” box is helpful, but it would also be useful to have a few additional bases for denials in check boxes listed. It would save time to be able to check a box rather than routinely having to write in the reason in the “Other” box. Also, this would also give Judges a “check list.” The additional check boxes requested are as follows: <input type="checkbox"/> Petitioner has not provided proof of current registration <input type="checkbox"/> There exist pending charges against Petitioner that extend or alter the registration period <input type="checkbox"/> Petitioner suffered a subsequent conviction, which extend or alter the registration period <input type="checkbox"/> Petitioner is currently in custody, on parole, probation, or supervised release	The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.



**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p>	<p><b>Addition of blank line for “reasons” in Sections 4(a) and 4(b) of Form CR-418</b></p> <p>Section 4 of Form CR-418 concerns the court’s denial of a petition based upon a finding that community safety would be significantly enhanced by the petitioner’s continued registration. Section 4(a) provides a check box to indicate the denial of a petition brought under Penal Code section 290.5(a)(1) [i.e., “generic” Tier 1 and Tier 2 Registrants], along with a blank line for the court to describe its findings in connection with that denial.</p> <p>In contrast, Sections 4(b) and (4)(c) provide a check box to indicate the denial of a petition brought under the provisions of Penal Code section 290.5(b)(1) [i.e., Tier 2 Registrant petitioning after 10 years] and Penal Code section 290.5(b)(3) [i.e., Registrant placed on Tier 3 based solely on risk level], but do not provide blank lines for the court to describe its findings in connection with those denials. The addition of a blank line similar to that in Section 4(a) to Sections 4(b) and 4(c) of Form CR-418 would allow the court to describe its reasons for the denial, as well as provide guidance to petitioners when preparing a subsequent petition.</p>	<p>Penal Code section 290.5(a)(4) requires the court to state on the record the reason for its determination setting the time period after which a person under Tier 1 or Tier 2 may file a subsequent petition. Under Penal Code section 290.5(b), which governs the Tier 2 and Tier 3 exceptions, the court is required to set a time period after which a person may file a subsequent petition, but the section does not require the court to state its reasons. For this reason, the committee does not recommend including a line for the court to state its reasons for the determination of time on the order.</p>
<p>California Department of Justice by Linda Schweig, Assistant Director Justice Data and Investigative Services Bureau Sacramento, California</p>	<p><b>**</b> The Department of Justice requests adding the petitioner’s birthdate and CSAR petition number on the order. The department also requests adding a reminder for the court to notify the department about its decision on the petition.</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>
<p>Ira Mark Ellman Distinguished Affiliated Scholar University of California Berkeley Tara Ellman</p>	<p>Section 4 of CR-418 is the checkbox for denying the petition after a hearing. Under § 290.5 the petition of an eligible petitioner can be denied only if the court finds “the community safety would be significantly enhanced by the petitioner’s</p>	<p>The committee does not recommend the suggestion, as it is goes beyond the statutory language.</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
M.B.A. Consultant	continued registration. That means that the court must find both that the petitioner is a significant danger to those in his or her community, and also that continued registration will significantly reduce that danger. We would urge the Council to include this clarification of the standard, either here, or, perhaps more aptly, in Section 9 of the CR-415 INFO form.	
San Diego County Office of the Public Defender by Kate Braner, Chief Deputy	<p>Summary denial without providing the petitioner an opportunity to be heard on the issues of Tier designation, tolling, or extensions is problematic. Because of incomplete or inaccurate DOJ criminal history data, there are going to be disputes in some cases on these factual/legal issues. Petitioners should be afforded an opportunity to respond and present evidence.</p> <p>Further, if the court denies the petition, the petitioner should have an opportunity to address the court regarding the order for when they may file a subsequent petition. The court has broad discretion to set the time frame for filing a subsequent petition with very little information to make the decision.</p>	The committee agrees that petitioner should receive a copy of the district attorney's response form and may file a reply for the court's consideration. To ensure that petitioner receives a copy of the district attorney's response, the committee recommends adding a line to the district attorney's response form indicating service of the form to the petitioner.
Superior Court of Orange County	<ol style="list-style-type: none"> <li>1. Recommend changing title to "Order to Terminate Sex Offender Registration"</li> <li>2. Is this order form to be prepared by the Court? If so, I don't think there is a need for instructions above the file stamp section, court address box, or case number field.</li> <li>3. Can lines be added to the Superior Court of California address box to make it fillable?</li> <li>4. Section 1: If petitioner has attorney, do they list their name and address or is it still the petitioner?</li> <li>5. Section 1: Add a line for email if provided.</li> </ol>	<p>The committee prefers the existing title.</p> <p>The instructions are included so petitioner is aware of the purpose behind the various boxes. In addition, this conforms to the style and format of Judicial Council forms.</p> <p>All forms will be fillable.</p> <p>The order should list the name of the petitioner and the preferred mailing address as reflected in the petition.</p> <p>The committee agrees with this suggestion and has</p>

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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Form CR-418 (order)		
Commenter	Comment	Committee Response
		incorporated it into the form that it is recommending for adoption.
	6. Section 3: The denial options should match the options listed in the DA response form. If the form is modified to include denial options because defendant is in custody or under supervision, then this should also be included here.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
	7. Section 3: If petition was denied for improper service, where does that go? Under "Other"?	The committee has included an option to deny for incomplete or improper service.
	8. Section 4: Add lines under findings for fillable form.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
	9. Section 4, a: If petition is denied for lack of service does the re-petition date still have to be a year out?	It is the committee's position that a one-year waiting period would not apply.
	10. Section 4, a: Should this also be a time period similar to b and c? If so, recommend changing to read, "The court has set the time period after which the petitioner may file another petition for termination to _____ (months/years), which is at least one year from the date of denial, but not to exceed five years. The reason for the determination is as follows:"	The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.
	11. Section 4, a: Recommend adding more space to allow the court to fill in the reason.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
	12. Section 4, b and c: Need clarity if this is the denial date or the new filing date? Recommend changing to read, "The court has set the time period after which the petitioner may file another petition for termination to	The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.

**Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, CR-417, and CR-418; approve form CR-415-INFO)

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<b>Form CR-418 (order)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>_____ (months/years), which is at least one year from the date of denial.</p> <p>13. Capitalize Judicial Officer in signature line.</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>
<p>Superior Court of San Diego County by Michael M. Roddy, Executive Officer</p>	<p><b>#4 Time Frame for Re-Petitioning</b> Subdivision (a)-(c) as currently written to have the court setting a date in which a person may re-petition. Instead of actually setting a date, which may confuse some pro per petitioners who may think they <i>must</i> re-petition that day, it may be a better approach to simply list the numbers of years a person is prohibited from re-petitioning. This approach would also minimize the risk of the court potentially miscalculating the date. As an example, it could read something along the lines of:</p> <ul style="list-style-type: none"> <li>a. For Tier 1 and Tier 2 denials: Petitioner is prohibited from re-petitioning for termination for ____ years (must be between 1 - 5 years) from the date of denial, for the following reasons:</li> <li>b. For Tier 2 (10-year registration exception) denials: Petitioner is prohibited from re—petitioning for termination for _____ (must be at least 1 year) from the date of denial.</li> <li>c. For Tier 3 (based on risk level) denials: Petitioner is prohibited from re-petitioning for termination for ____ years (must be at least 3 years) from the date of denial.</li> </ul>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p>
<p>Tricia Penrose Director - Juvenile Operations Superior Court of Los Angeles County</p>	<p>It appears on the face of the form that the only option after a hearing is to deny the petition. If there is a going to be a distinction about a hearing, then there should be an option for granting or denying after hearing.</p>	<p>An option to grant the petition, whether with or without a hearing, is in item 2 of the order.</p>

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	<p>Alliance for Constitutional Sex Offense Laws, Inc. (ACSOL) by Chance Oberstein, ACSOL President Janice M. Bellucci ACSOL Executive Director Sacramento, CA</p> <p>Bay Area Legal Aid by Brie Frank, Attorney Oakland, CA</p> <p>Community Legal Services in East Palo Alto by Katrina Logan, Directing Attorney—Economic Advancement Program Vinuta Naik, Senior Attorney—Economic Advancement Program</p>	AM	<p><b>Provide examples of what constitutes “proof of current registration”</b></p> <p>In several locations, the Forms require petitioners to attach “proof of current registration.” These statements confused many people because there is no standard document or other “proof” provided to registrants to demonstrate that they are currently registered. Petitioners are therefore left to guess what proof is sufficient. The failure to clarify this may discourage eligible registrants from filing a petition for fear of filing inadequate proof, or may create inefficiencies if registrants file with inadequate proof and must later resubmit their petitions. To assist registrants, the Forms should be revised to include examples of what constitutes proof of the person’s current registration, such as a copy of DOJ Form CJIS 8102S, “Sex Offender Registration Change of Address/Annual or Other Update,” or any other proof the Judicial Council deems sufficient.</p> <p>See comments on specific provisions below.</p>	<p>The committee will update the petition and information sheet to clearly state that the proof of current registration is available at the registering law enforcement agency.</p> <p>It is the committee’s understanding that the proof of current registration for the termination process will be provided to the petitioner by the registering law enforcement agency via the California Sex and Arson Registry. There is no formal name for this form at this time.</p>
2.	<p>Maria Alway Communications Supervisor- CLETS Coordinator Folsom Police Department</p>	A	No specific comment.	The committee appreciates the comment.
3.	<p>California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA</p>	AM	<p>See comments on specific provisions below.</p> <p>General Comments: Will any direction be provided to the petitioners, district attorney’s offices or courts regarding transient statuses? For example, the district attorney’s office is required in draft form CR-416 to serve their response on the petition at the</p>	<p>The committee will add a statement to the petition and information sheet reminding the petitioner of the importance of listing a</p>

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>address set forth on the petition. How will this requirement be met if the petitioner does not maintain a mailing address?</p> <p>Also, how will any registrant address changes during the pendency of the petition be communicated to the district attorney's office so that the office does not serve their response on a non-current address? Will the district attorney's office be permitted to serve their response to the petitioner's email address if no mailing address is provided on the petition?</p>	reliable mailing address and updating the court with any changes.
4.	Eric Dela Pena San Francisco, CA	A	No specific comment.	The committee appreciates the comment.
5.	El Cajon Police by Rita Yako, Records Supervisor El Cajon, CA	A	No comment provided.	The committee appreciates the comment.
6.	Ira Mark Ellman Center for the Study of Law and Society, University of California, Berkeley and Tara Ellman, M.B.A., consultant	N/I	<p>See comments on specific provisions below.</p> <p>The meaning of "Supervised release".</p> <p>Penal Code section 290.5(a)(2) disallows applications from anyone "in custody or on parole, probation, or supervised release." There is some ambiguity in the statutory use of "supervised release". It is not clear whether it refers only to California supervised release, or is meant to also refer to federal supervised release. This is potentially important because federal supervised release typically continues for far longer period than does California parole or supervised release. For example, federal courts may impose up to lifetime supervision for possession of child pornography, an offense that is often a misdemeanor in California.</p>	The committee discussed the suggestion but does not recommend revising the existing language, as it more clearly communicates the exclusion categories to registrants.

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<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			These forms cannot resolve that ambiguity, but they should not add to it. We therefore suggest the forms consistently employ the statutory language in any references, as they now do in section 9 of the Info sheet, in section 2(c)(3) of the District Attorney response form, and in section 3(c) of the court order form. They depart from the statutory language in the introduction (on pg 3), in section 6 of the petition form, and in Section 4 of the Info form, where they refer to “parole, probation, postconviction supervised release, or any other form of supervised release.” The nonstatutory phrase “any other form of supervised release” may suggest more strongly that federal supervision is included. There is no reason to employ it.	
7.	San Diego County District Attorney’s Office by Ana A. De Santiago Deputy District Attorney San Diego	AM	See comments on specific provisions below.	
8.	San Diego County Office of the Public Defender by Katherine Braner, Chief Deputy, Development & Training	AM	See comments on specific provisions below.	
9.	San Luis Obispo District Attorney’s Office by Rosa Clark, Deputy District Attorney	AM	See comments on specific provisions below.	
10.	Superior Court of Fresno County by Tiffany Alvarado, Criminal Courtroom Support Manager	A	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes</p> <p><b>Would the proposal provide cost saving? If so, please quantify?</b> There would be no cost savings to the court as</p>	The committee appreciates the comments.

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>this is not a process that is currently in place. There would be a onetime implementation cost and continued incurred cost.</p> <p><b>What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems or modifying case management systems?</b></p> <p>Training – Total of 159 staff which includes 7 Supervisors, 30 Seniors and 122 Office Assistants &amp; Judicial Assistants. Each session would be about 1 hour. (estimate 2 weeks in classroom setting; taking scheduling and coverage into consideration.) Additionally, 4 Judicial Assistants will each receive 8 hours of more detailed, hands on training. Counter staff that will be taking these forms in will receive an additional 4 hours of detailed training on the different tiers and taking in the forms.</p> <ul style="list-style-type: none"> <li>• Training Judicial Assistants/Office Assistants/Managements/Seniors/Judges on implementation of new process.</li> <li>• Acceptance of petition (Counter staff)</li> <li>• Processing, calendaring and noticing requested hearings</li> <li>• Processing Orders including after hearings</li> <li>• Noticing applicable parties post decision</li> </ul> <p>Processes to create: Creating &amp; testing procedures – by Senior/Supervisor (estimate 1 week) This includes approval by Court administration and judges.</p> <ul style="list-style-type: none"> <li>• Creating Procedures on acceptance and filing</li> <li>• Creating a desk to process this subject matter</li> <li>• Creating case numbers</li> <li>• Assigning department to hear petitions</li> </ul>	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>Creating docket codes (including tracking and JBSIS and transmitting to DOJ)</li> </ul> <p>Expected hours of training Our estimated number of training hours would be a total of 263 hours as reflected above.</p> <p><b>Would 6 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes, see above answers in implementation requirements for courts.</p> <p><b>How well would this proposal work in courts of different sizes?</b> The volume of petitions will either increase or decrease based upon knowledge of the tier system and number of existing registrations in each city/county.</p>	
11.	Superior Court of Orange County by Cherry Ward, Administrative Analyst IMPACT Team – Criminal / Traffic Operations	N/I	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>The advisory committee also seeks comments from courts on the following cost and implementation matters:</b></p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> No, these forms are legislation driven; will increase workload.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b></p>	The committee appreciates the comments.

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>These petitions, once filed, require responses from LEA and prosecutors before the court can take further action and will not have “counts” or “charges”.</p> <ul style="list-style-type: none"> <li>• Recommend a working group with our justice partners (DA, PD, LEA) to ensure expectations are in alignment</li> <li>• Workflows needed to outline: <ul style="list-style-type: none"> <li>○ Where these petitions will be filed</li> <li>○ What courtrooms will hear them</li> <li>○ How the cases are tracked to ensure timelines are followed</li> <li>○ Will the court send correspondence to agencies when timelines are exceeded?</li> <li>○ How cases will be initiated (manually?)</li> <li>○ Requirements for acceptance (incomplete forms ok?)</li> <li>○ New docket codes needed for filing the petition, noting service, filing responses, setting hearing dates, judicial ruling, JBSIS/DOJ reporting</li> <li>○ How will cases be “closed” in our Case Management System?</li> <li>○ How re-filed petitions will be handled (same case number?)</li> </ul> </li> <li>• New procedure will be required</li> <li>• Training scope will depend on where these cases are filed/heard</li> </ul> <p><b>Would six months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>Under normal conditions I believe so, but COVID may affect availability of Court Technology and judicial resources, judicial partners, etc.</p>	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<b>How well would this proposal work in courts of different sizes?</b> We do not see any issues for courts of different sizes in relation to the forms.  See comments on specific provisions below.	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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Form CR-415 (petition)		
Commenter	Comment	Committee Response
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p> <p>Bay Area Legal Aid by Brie Frank, Attorney Oakland, CA</p> <p>Community Legal Services in East Palo Alto by Katrina Logan, Directing Attorney—Economic Advancement Program Vinuta Naik, Senior Attorney—Economic Advancement Program</p>	<p><b>1. Add the language “to my knowledge” in Question 4 to Questions 6 and 8(a)</b></p> <p>ACSOL and BayLegal appreciate that Question 4 of CR-415 included the language “to my knowledge” in asking petitioners to affirm that there are no pending charges against them that could extend the time to complete the registration requirements of their tier or change their tier status. For the same reasons that the phrase “to my knowledge” was likely included in Question 4, we believe it is appropriate to add this phrase to Questions 6 and 8(a) on CR-415.</p> <p>We believe the language “to my knowledge” should be added to Question 6 for consistency with Question 4 because in our experience, clients often do not realize that they are still on out of county court probation when they request clean slate assistance. We therefore anticipate that pro per petitioners and advocates assisting petitioners in their filing may have difficulty stating with certainty that a petitioner is not on any kind of supervision. We believe the additional language is necessary to ensure that advocates do not decline to assist petitioners for this reason.</p> <p>We also propose adding the language “to my knowledge” to Question 8(a) for the same reasons. Again, we anticipate that pro per petitioners or advocates assisting petitioners would have difficulty ascertaining whether a petition had been previously filed in a different county.</p> <p>Therefore, to reflect the varying amounts of information that pro per petitioners and advocates representing petitioners are privy to when completing CR-415, ASCOL and BayLegal suggest the following change:</p>	<p>Responses to these comments are addressed below, in response to the charted comments.</p>

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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Form CR-415 (petition)				
Commenter	Comment			Committee Response
	Form number and section/location	Statement at issue	Proposed revision	The committee discussed the suggestion, but does not recommend incorporating it. While a petitioner may not be aware of a pending charge from a prosecuting agency, a petitioner's supervision status or a previously filed petition is information accessible to the petitioner.
	CR-415, § 6	"Petitioner is not on parole, probation, postconviction supervised release, or any other form of supervised release."	" <u>To my knowledge</u> , Petitioner is not on parole, probation, postconviction supervised release, or any other form of supervised release."	
	CR-415, § 8(a)	"Petitioner ( <i>check one</i> ) <input type="checkbox"/> has <input type="checkbox"/> has not previously filed a Penal Code section 290.5 petition in California for termination of a sex offender registration requirement that was denied by the court."	" <u>To my knowledge</u> , Petitioner ( <i>check one</i> ) <input type="checkbox"/> has <input type="checkbox"/> has not previously filed a Penal Code section 290.5 petition in California for termination of a sex offender registration requirement that was denied by the court."	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA	<p>CR-415: Item 4, Pending Charges It is noted that the third person is used throughout this draft form. For consistency, it is respectfully recommended that “To my knowledge, there are no pending charges...” be revised to read “To petitioner’s knowledge, there are no pending charges...”, replacing “my” with “petitioner’s”.</p> <p>CR-415: Item 10, Registration Period It is respectfully recommended that the language in Item 10 be revised so that “register for the time period required” is not misinterpreted as a requirement for consecutive or accrued registration time. The following language or a variation of the following may help clarify the requirements for petitioners: “Petitioner believes that they have met the requirements to fulfill the minimum time period for the completion of the required registration period required by petitioner’s tier designation.”</p>	<p>The committee does not recommend a revision, as “my” is used to accommodate both petitioner and counsel. There may be instances where counsel is also attesting that to counsel’s knowledge, there are no pending charges.</p> <p>The committee believes the existing language communicates the requirement clearly and does not recommend a revision.</p>

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<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Ira Mark Ellman Center for the Study of Law and Society, University of California, Berkeley and Tara Ellman, M.B.A., consultant	Section 7 b(2)(c )(1) of the petition form says “one victim 14 to 17 years of age”, which is ambiguous as to whether 17 year olds are included. It would be better to say “...14 through 17 years...” or to use the language of the statute, “14 to 17 years of age, inclusive.”	The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.
San Diego County District Attorney’s Office by Ana A. De Santiago Deputy District Attorney San Diego	Regarding CR-415 Petition Form. Under section 2 b. “Identify the court in which petitioner was convicted of an offense requiring sex offender registration in California...”  It would be very helpful to add language asking the petitioner to include the sex conviction court case number (if known). Including this information, will facilitate the courts, law enforcement agencies and District Attorney's office to more quickly identify the conviction for which the petitioner is required to register. Including the court case number (if known) will decrease work hours from the court's, law enforcement and DA's will have to do in order to “marry up” the petition with the old case file.	The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.
San Luis Obispo District Attorney’s Office by Rosa Clark, Deputy District Attorney	This portion of the petition is extremely vague and confusing.  CR 415 Section titled: Registration Status and Information, subsection (c):  This petition is being filed on or after petitioner’s next birthday after July 1, 2021, following the expiration of petitioner’s mandated minimum registration period.	The committee does not recommend any changes to the language since it mirrors the statutory language in Penal Code section 290.5(a)(1).

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415 (petition)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Orange County by Cherry Ward, Administrative Analyst IMPACT Team – Criminal / Traffic Operations	<ol style="list-style-type: none"> <li>1. CR-415: There is a box for Court use only to add the hearing date and time. This information wouldn't be known until the response is received from the District Attorney requesting a hearing. We recommend removing this box.</li> <li>2. CR-415, 3<sup>rd</sup> bullet point: Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</li> <li>3. CR-415, Section 9: Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to Prosecutor or Prosecuting Agency.</li> <li>4. CR-415, Section 9: If not changed to prosecutor, recommend capitalizing "Attorney" in District Attorney boxes.</li> <li>5. CR-415, Section 10: Recommend adding the following, "... required by petitioner's tier designation as determined by the Department of Justice."</li> </ol>	<p>The committee discussed the suggestion but prefers to keep the hearing date box, as some courts may want to set a check-in date and note it on the petition form.</p> <p>The committee discussed the suggestion but prefers to use the term "district attorney" to reflect the statutory language of Penal Code section 290.5.</p> <p>See response above.</p> <p>The committee discussed the suggestion and will capitalize "Attorney" when appropriate.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p> <p>Bay Area Legal Aid by Brie Frank, Attorney Oakland, CA</p>	<ol style="list-style-type: none"> <li>1. <b>Clarify generally on CR-415-INFO and on CR-415 § 9 that the requirement to serve the petition and proof of current registration upon law enforcement and the district attorney in the "county of conviction" applies only to registrants convicted in California county courts</b></li> </ol> <p>Penal Code section 290.5(a)(2) requires that petitioners must serve their petition on the law enforcement agency and the district attorney in their county of registration and on the law</p>	<p>The committee discussed the suggestion, but does not recommend incorporating the suggestion. Penal Code section 290.5(a)(2) requires the petition and proof of</p>

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Katrina Logan, Directing Attorney—Economic Advancement Program Vinuta Naik, Senior Attorney—Economic Advancement Program Community Legal Services in East Palo Alto	<p>enforcement agency and the district attorney in their county of conviction of a registerable offense if different than their county of registration. Nowhere does the law require petitioners who were convicted in a federal, military, or non-California court to serve the petition on agencies outside of California’s jurisdiction. This makes sense: Penal Code section 290.5(a)(2) mandates that law enforcement agencies of a petitioner’s county of conviction must report whether the petitioner has met the requirements for termination,<sup>1</sup> and the California Legislature cannot impose such obligations upon law enforcement agencies outside of California’s jurisdiction. Accordingly, the Forms’ failure to delineate between petitioners with convictions in California county courts and petitioners with convictions in federal, military, and other non-California courts has the potential to be confusing and misleading.</p> <p><sup>1</sup> See Cal. Penal Code § 290.5(a)(2), eff. Jan. 1, 2021.</p> <p>Clarifying that petitioners must only serve law enforcement agencies and district attorneys in their “county of conviction” if that county differs from their county of registration and if they were convicted in a California county court is necessary for the following reasons:</p> <ol style="list-style-type: none"> <li>1. To remove a potential extra-legal barrier to relief for registrants by clarifying which petitioners must serve a petition to agencies in their county of conviction</li> <li>2. To ensure that petitioners with federal, military, or non-California convictions are not discouraged from filing a petition because they are confused about what their “county of conviction” is and therefore who they must serve</li> </ol>	<p>current registration to be served on the law enforcement agency and district attorney in the county of conviction. It is not clear what, if any, notice requirement applies for non-California convictions, so the committee declines to specify that the service requirement on the law enforcement agency and district attorney in the county of conviction does not apply to non-California convictions at this time.</p>

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>3. To avoid confusion for law enforcement agencies and district attorneys in outside jurisdictions who would not understand their obligations upon receiving service of a petition</p> <p>4. To avoid wasting valuable court resources on responding to questions from eligible registrants and law enforcements agencies and district attorneys in outside jurisdictions seeking clarification on this issue</p> <p>5. To prevent the possibility of law enforcement agencies and district attorneys in outside jurisdictions improperly objecting to, commenting on, or otherwise participating in the petitioning process, which is not permitted by Penal Code section 290.5(a)(2)</p> <p>6. To ensure that district attorneys' offices within California's 58 counties are clear on which agencies are authorized to participate in the petitioning process, which will avoid prejudicial procedural errors in individual cases</p> <p>Based on the above reasons, ACSOL and BayLegal believe it necessary that the following changes are made to the corresponding section of the Forms:</p>	

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>				
<b>Commenter</b>	<b>Comment</b>			<b>Committee Response</b>
	<b>Form number and section/location</b>	<b>Statement/s at issue</b>	<b>Proposed revision</b>	
	CR-415-INFO, § 7	None (general suggestion)	Add affirmative statement that petitioners are not required to serve the petition and proof of current registration on any law enforcement agency or prosecutorial agency in the jurisdiction of conviction if they were convicted in a federal, military, or other non-California court	

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>				
<b>Commenter</b>	<b>Comment</b>			<b>Committee Response</b>
	CR-415-INFO, § 7	“If you were convicted of a registrable offense in a different county than where you currently reside and/or register in, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.”	“ <u>If you were convicted in a California county court</u> , and if you were convicted of a registrable offense in a different county than where you currently reside and/or register in, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of conviction of the registrable offense.”	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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Form CR-415 (petition) and CR-415-INFO (information sheet)				
Commenter	Comment			Committee Response
	CR-415-INFO, § 8, first bullet	“The law enforcement agency has 60 days from receipt of the petition to report on your eligibility to the court and district attorney.”	“The law enforcement agency <u>in the county where the petition is filed</u> and the law enforcement agency of the <u>county of conviction of a registerable offense (if different than the county where the petition is filed and if petitioner was convicted in a California county court)</u> has 60 days from receipt of the petition to report on your eligibility to the court and district attorney.”	
	CR-415-INFO, § 8, second bullet	“The district attorney must request a hearing within 60 days after receiving the eligibility report from law enforcement.”	“The district attorney <u>in the county where the petition is filed</u> <u>has 60 days after receiving the eligibility report from law enforcement to request a hearing.</u> ”	

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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Form CR-415 (petition) and CR-415-INFO (information sheet)					
Commenter	Comment			Committee Response	
	CR-415, § 9	“Law enforcement agency (county of conviction):” <b>AND</b> “District attorney (county of conviction):”	“Law enforcement agency (county of conviction), <u>if convicted in a California court and county of conviction is different from county of registration:</u> ” <b>AND</b> “District attorney (county of conviction), <u>if convicted in a California court and county of conviction is different from county of registration:</u> ”		
California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA	CR-415: Item 7, Tier Designation and Eligibility; CR-415-INFO, Items 3, 5:  The use of “has registered for at least” may lead some petitioners to incorrectly believe that registration for each year or consecutive registration for the period of their tier’s duration is required to allow for the granting of a petition. It is respectfully recommended that “has been subject to registration for at least” replace “has registered for at least”, or that the language be otherwise modified to clarify that consecutive registration or registration for any number of years is not required for a petition to be granted. Consider, for example, an individual convicted of a sex offense in State A who then moves to State B. State B does not require registration for the			The committee declines the recommendation. “Subject to registration” does not plainly convey the requirement that applies to most registrants - that a person must have registered for the minimum time period as required by their tier to qualify for termination (“A person. . . required to register pursuant to the Act shall register for 10 years, 20 years, or life. . .” (Pen. Code, § 290(d)).  For registrants under Penal Code section 290.005, the statutory requirements under Penal Code section 290(d)(4) do not clearly anticipate the example provided	

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>State A offense. The individual then moves to California, is required to register for the State A offense, and meets the minimum eligibility requirements to petition shortly after moving to California. That individual will be currently registered and will have been in the community offense-free for the required time period, but will not have registered for that entire time period.</p> <p>CR-415: Item 9, Service*</p> <p>It is noted in Item 6 of draft form CR-415-INFO that “Most courts will require you to serve the law enforcement agency and the district attorney’s office before filing the petition with the court.” It appears that Item 9 of draft form CR-415 was structured to permit this action. However, existing language and recent amendments to Penal Code section 290.5 do not support the filing of a petition following service.</p> <p>Please note that Senate Bill 118 (Stats. 2020, ch. 29) amended Penal Code section 290.5(a)(2) to add the following language: “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 added language contemplates the filing of petition will take place prior to service upon the registering law enforcement agency. The existing language in the first sentence of Penal Code section 290.5(a)(2) also supports this position, in that the petition is required to be served upon the registering law enforcement agency and the district attorney in the county in which the petition is filed—in other words, the proper district attorney’s office and registering law enforcement agency to serve are dependent upon the county in which the petition is first filed. This language also supports that filing is required prior to service. Should a petitioner serve a copy of an unfiled petition on a registering agency, such agency will not be mandated to report service of such a petition.</p>	<p>by the commenter. Section 290(d)(4), which addresses tiering of non-California offenses, does not state that the person would be credited time from out of state residency toward the tier’s minimum registration period.</p> <p>The committee agrees with this suggestion and has developed a separate proof of service and updated the petition and information sheet to reflect service after filing.</p>

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Pursuant to Penal Code section 290.5(a)(2), as amended effective July 1, 2021, law enforcement agencies are required, within 60 days of receipt of the petition, to report to the district attorney and the superior court in which the petition is filed whether the petitioner has met the minimum eligibility requirements for petitioning. If the registrant serves an unfiled petition on law enforcement, such agency may complete their review of the petition prior to the registrant filing the petition in court, if the petitioner even does file the petition, which they may not. Because the registering law enforcement agency is required by statute to report eligibility within 60 days of receipt of the petition, it would seem illogical to permit service of an unfiled petition on the agency and to require processing of a petition which may never be filed or may not be filed in a timely manner.</p> <p>It is respectfully recommended that the Committee consider alternative methods of confirming service. One alternative is to remove Item 9 from draft form CR-415 and create a new declaration of service form to identify the filed petition information and to verify service of the filed petition to the proper parties. If such an alternative is adopted, timelines may be created upon which courts may hold status hearings to confirm service.</p> <p>*This comment and any resulting conforming changes also apply to draft form CR-415-INFO, Item 6 and Item 7</p>	

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Form CR-415 (petition) and CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
Ira Mark Ellman Center for the Study of Law and Society, University of California, Berkeley and Tara Ellman, M.B.A., consultant	<p><b>1. Registrants whose registration obligation arises from a non-California conviction.</b></p> <p>A. The Problem</p> <p>Section 7 of the proposed information form, CR-415-INFO, correctly advises registrants that they must deliver a copy of the petition and proof of current registration to the law enforcement agency where they currently register, and to the District Attorney of that county. It then goes on to explain that a registrant who was “convicted of a registerable offense in a different county than where” he registers<sup>1</sup> must also “deliver” a copy to the “law enforcement agency and the district attorney of his county of conviction of the registerable offense”. This sentence is obviously correct with respect to registrations based on California convictions, and mirrors the statutory language applicable to them. But the statute contains no comparable language addressing such service on non-California agencies because (as detailed below) none is required. But because the forms are ambiguous on whether or how service must be made on non- California agencies, it will leave registrants with non-California convictions perplexed about their obligation. A registrant unsure of whether or how these directions apply to him will be unable to certify his compliance with them, as required in Section 9 of the proposed petition form, CR-415. It is thus critical for the instructions to address directly the cases in which the registrable offense was not a California offense.</p> <p><sup>1</sup> It actually says “where you currently <i>reside and/or</i> register”. It should probably say “the county where you register and have your primary residence”. The statute requires the registrant to file the petition in “the county in which he or she is registered”. While a registrant who has more than one residence must register at each of them (§ 290.010), the form later sensibly instructs the registrants to</p>	<p>The committee discussed the suggestion but does not recommend it. Penal Code section 290.5(a)(2) requires the petition and proof of current registration to be served on the law enforcement agency and district attorney in the county of conviction. It is not clear what, if any, notice requirement applies for non-California convictions, so the committee declines to specify that the service requirement on the law enforcement agency and district attorney in the county of conviction does not apply to non-California convictions at this time.</p> <p>The committee discussed the suggestion but prefers to keep the language.</p>

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>file in the county of their primary residence.</p> <p>A petitioner whose registration obligation is based on a federal conviction offers a good example of the problem. He will have no idea how to follow this direction to notice the district attorney and law enforcement agency of the county of conviction. For federal convictions there obviously is no “district attorney”. Nor is there usually any “county of conviction” because most federal judicial districts encompass multiple state counties. That means the direction to notice the “county law enforcement agency” is also entirely unclear. (Indeed, there may not have been any state or local law enforcement agency involved in the registrant’s apprehension or prosecution.) Similar problems can arise for those whose registration is based on a conviction in another state, which, for example, may not employ the title “district attorney”.</p> <p>The solution to the problem is to make clear that registrants whose registrable offense is not a California offense are required to notice the law enforcement agency and district attorney in the county in which they register, only. The forms employ the language of the statute, which does not fit non-California agencies for the simple reason that the statutory notice provisions are not intended to apply to them. Service upon California prosecutors and law enforcement personnel is necessary because that service is what triggers obligations that apply to them. No corresponding obligations apply to non-California agencies. Section 290.5(a)(2) gives the registering law enforcement agency, and the “the law enforcement agency of the county of conviction”, 60 days from receipt of the petition to “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.” This reporting</p>	

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>requirement necessarily applies to California agencies only. The legislature has no authority to require a report from a non-California agency. Nor could it expect a non-California agency to address the registrant's eligibility to file a petition under a California statute for which the non-California agency has no administrative or law enforcement responsibility, and no expertise.</p> <p>Service upon the California District Attorney of the county in which the petitioner registers is necessary to alert the District Attorney to expect the required report from the law enforcement agency. The report is not sent to non-California prosecutors. The District Attorney has 60 days after the report's receipt to request a hearing to present evidence of why the court should not grant the petition. Only this California prosecutor can request a hearing, and only his or her failure to request one within the statutory 60 days can trigger an order granting the petition.</p> <p>The purpose of a statutory notice requirement is to alert the recipient to a matter requiring action within a designated time period to avoid loss of the opportunity to participate in the noticed process. Non-California agencies have no obligation and no right to participate in the California petition process, which is why the statute does not require notice to them. As is clear from both the context of the statutory notice requirement, and the statute's use of language that fits only California agencies, it applies to California agencies only.</p> <p>Of course, the non-California authorities may have information relevant to the appropriate tiering of the petitioner's offense under California. But that information will already be in the petitioner's registration file, because the Department of Justice needed it to fulfill its duty under</p>	

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Form CR-415 (petition) and CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
	<p>Section 290.005(a) to assign a tier to the petitioner’s non-California offense. It does so, under that section, by identifying the California offense equivalent to the registrant’s non- California crime of conviction. A registrant with no California tier classification is ineligible to petition for relief from registration. A registering law enforcement with questions about the tier assigned to a petitioner with a non-California offense is provided a remedy under Section 290.5(a)(2). If it believes the petitioner committed an unassessed offense in another jurisdiction that could trigger a California registration obligation it “shall refer that conviction to the department [of justice] for assessment and determination of whether the conviction changes the tier designation assigned by the department to the offender.” The same paragraph also provides for an extension of time in the petition process, if necessary “to obtain the documents needed to make the assessment.”</p> <p>B. The Solution</p> <p>In CR-415-INFO, revise Section 7 by amending the first paragraph that follows the second bullet point, to read as follows:</p> <p>If you were convicted of a registerable <u>California</u> offense in a <del>different California</del> county <u>other than the one in which where</u> you currently <del>reside and/or</del> register, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of conviction of the registerable offense. <u>This requirement does not apply to federal, tribal, or military convictions, or convictions in courts of another state.</u></p> <p>In Section 9 of CR-415, the word “California” need be added to the first line in the third and fourth box in the left hand</p>	<p>Please see response above.</p>

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Form CR-415 (petition) and CR-415-INFO (information sheet)		
Commenter	Comment	Committee Response
	<p>column.</p> <p>Box 3: “Law enforcement agency (<u>California</u> county of conviction). Box 4: “District attorney (<u>California</u> county of conviction).</p> <p>In addition, a new first line should be added in each box that says simply “Where applicable”.</p> <p><b>2. Clarity in explaining the service requirements.</b></p> <p>Two different questions arise with respect to the petitioner’s service of the petition on law enforcement agencies and district attorneys: proof of service, and notice of the date of its receipt.</p> <p>a. Proof of service.</p> <p>Service of the petition on the relevant district attorneys and law enforcement agencies is required by Penal Code § 290.5(a)(2). Section 9 of revised Form CR-415 requires petitioner to state that service was made on law enforcement agencies and district attorneys listed on the dates indicated and by the method indicated. The petition is then of course signed by the petitioner or his attorney. We read the final bullet point on page 3 of the committee’s introductory comments to the revised forms as suggesting submission of the signed form constitutes proof of service in compliance with the statutory requirement, much like the proof of service statement typically found at the end of a brief submitted to a court. We hope this understanding is correct. If it is, we believe either Form CR-415 itself, or perhaps Form CR-415-INFO, should state that explicitly. If it is not correct, the forms then need to explain what else the petitioner must do to prove service. We note in particular the third bullet point preceding</p>	<p>Senate Bill 118 (Stats. 2020, ch. 29) amended Penal Code section 290.5(a)(2) to add the following language: “The registering law enforcement agency shall report</p>

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Section 1 of CR-415, which says the “petition may be denied if service is not complete”. The word “complete” is ambiguous. This sentence might be revised to say the “petition will be denied if it does not include the completed statement in Section 9 affirming that service of the petition and proof of current registration was made as required.”</p> <p>If the committee means to suggest that service is not “complete” without proof of receipt by the necessary law enforcement agencies and district attorneys, considerably more explanation is required. In that case, the forms need to explain how the petitioner establishes such receipt, now that the Acknowledgment of Receipt form in the original proposal has been omitted. See the next section of these comments.</p> <p style="padding-left: 40px;">b. Establishing that service was received and the date of service.</p> <p>Even if petitioners do not need proof of receipt of service to avoid dismissal of the petition, they still need confirmation of the date on which service was received because that date establishes the deadline for the law enforcement agency’s report to the District Attorney, and thus also the deadline that follows for the District Attorney to object to the petition. The date of receipt is known to the petitioner when service is made electronically or in person, but could be subject to dispute in the absence of a written or electronic acknowledgment by the recipient. The date of receipt is not necessarily known to the petitioner when service is made by mail. The Acknowledgment of Receipt form contained in the original proposal solved these problems. Its elimination from the revised forms requires the committee to provide a different</p>	<p>receipt of service of a filed petition to the Department of Justice in a manner prescribed by the department.” The added language contemplates the filing of petition will take place prior to service upon the registering law enforcement agency. Accordingly, the committee has developed a separate proof of service form and updated the petition and information sheet to refer to the proof of service.</p> <p>The proof of service form is designed to show to the court that service to the necessary law enforcement agencies and district attorney offices occurred.</p> <p>Please see response above.</p>

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<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>solution.</p> <p>The instructions currently suggest that the petitioner or someone on his behalf hand deliver the petition directly because it is “the most reliable form” of service. It then makes the mild observation that “you may want to ask the representative for a written acknowledgment of the receipt.” We see no reason why that statement should not be stronger. E.g., “You should ask the agency representative to whom you deliver the form to sign an acknowledgment of having received it.” It would be best if the committee provided an acknowledgment of receipt form for the petitioner to employ when serving by hand, as an unrepresented petitioner may not know how to compose such a form. We do not suggest reviving the requirement in the committee’s initial proposal that the law enforcement agency file the form with the court within some time period. We assume it was that filing requirement which in particular prompted objections to the form by law enforcement agencies. But there surely is no reason for them to object to signing an acknowledgment at the time of delivery to allow the petitioner to prove the fact and date of receipt. Petitioner otherwise has no way to do that.</p> <p>Hand delivery will not always be practical for petitioners, especially those who must serve law enforcement personnel in another county. Electronic delivery, or delivery by mail, then become the only options. We note that Form CR-415-INFO offers petitioners some helpful guidance on using electronic service and obtaining proof of it. But that process will likely be daunting for many unrepresented petitioners, for whom mail will be the only real alternative. There is no method by which petitioners can establish the fact and date of receipt of mailed service other than by using certified mail with a return receipt.</p>	<p>It is anticipated that the proof of service form would diminish the need for a signed acknowledgment of receipt.</p> <p>The committee declines the recommendation because the existing language is sufficient.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415 (petition) and CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>We therefore urge the committee to strengthen the statement in Section 7 of the current version of CR-415 INFO, which now says “Alternatively, you may mail the document by certified mail with return receipt requested.” Here’s an example of what you might say: <i>If you mail the document, you should use certified mail with a return receipt requested. Keep the return receipt when you receive it, as it will establish both the fact and the date of receipt.</i></p> <p>The committee may also wish to suggest the petitioner file a copy of the proof of receipt with the court (either the written acknowledgment for hand delivery, or the mailed return receipt), to replace the filing of the Acknowledgment of Receipt form that the committee previously required of the law enforcement agency. The INFO form could explain that by filing this information with court and establishing the date on which the law enforcement agencies received their copies, the petitioner starts the clock running on the time periods within which they must act on the petition.</p>	<p>The petitioner must file the proof of service with the court.</p>

<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Alliance for Constitutional Sex Offense Laws (ACSOL) by Janice M. Bellucci, Attorney &amp; Executive Director Chance X. Oberstein, President Sacramento</p> <p>Bay Area Legal Aid by Brie Frank, Attorney Oakland, CA</p>	<p><b>Modification or elimination of the circled numbers that designate individual sections on Form CR-415-INFO</b></p> <p>Some registrants found it confusing that the same circled number format is used to designate individual sections on both Form CR-415 and Form CR-415-INFO because it seems to indicate that the sections should be read together. For example, Form CR-415-INFO Section 1 appears to contain instructions for completing Section 1 on Form CR-415 and so forth. To avoid this possible confusion, ACSOL and BayLegal suggest</p>	<p>The committee declines the suggestion.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Katrina Logan, Directing Attorney—Economic Advancement Program</p> <p>Vinuta Naik, Senior Attorney—Economic Advancement Program Community Legal Services in East Palo Alto</p>	<p>using circled letters (instead of numbers) to designate the individual sections on Form CR-415-INFO or eliminating the designations altogether since they do not appear necessary on Form CR-415-INFO.</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for approval.</p>
	<p><b>Add statement re: minimum registration period to Section 2 of Form CR-415-INFO so that question “Am I eligible for relief under Penal Code section 290.5?” is answered completely</b></p> <p>Section 2 of Form CR-415-INFO purports to answer the question “Am I eligible for relief under Penal Code section 290.5?” by setting forth the eligibility requirements in bullet points. However, the answer set forth in Section 2 of Form CR-415-INFO is incomplete because it does not state that the registrant must have been registered for the minimum time period corresponding to his or her tier to be eligible for termination of sex offender registration. Indeed, information regarding the minimum time period for registration is not addressed until well into Section 3 of Form CR-415-INFO. To completely answer the question posed in Section 2 of Form CR-415-INFO, ACSOL and BayLegal suggest adding an additional bullet point to that section, stating: “You have registered for the minimum time period for your assigned tier.”</p> <p><b>Clarify in Section 3 of Form CR-415-INFO that registrants can obtain their tier assignment from their local registering agency</b></p> <p>Section 3 of Form CR-415-INFO purports to answer the questions “Which tier am I? How is my tier determined?” but the answer is incomplete. Although Section 3 states that “the Department of Justice will determine tier assignments for all current registrants and will notify the law enforcement agency where you register,” it fails to inform registrants about how they can discover their assigned tier. Therefore, ACSOL and BayLegal propose adding the following statement to Section 3</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the form that it is recommending for approval.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	of Form CR-415-INFO: “Registrants can request that the local enforcement agency in their county of registration provide them with a tier notification letter after January 1, 2021.”	
California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA	<p>CR-415-INFO: Item 1, General Information It is respectfully recommended that an additional bullet be added with the following information: “If you are registering for a juvenile adjudication of a sex offense and an adult conviction of a sex offense, file your petition with the superior court.” As there are a number of individuals registering for juvenile adjudications and adult convictions of sex offenses, this information may help reduce inquiries to the courts and improper additional filings with the juvenile courts.</p> <p>CR-415-INFO: Item 3, Which tier am I? How is my tier determined? Bullet 3: It is respectfully recommended that “without regard to the actual time served in custody for the conviction” be added to the end of each sentence to conform with the language of Penal Code section 290(e), as added effective January 1, 2021.</p> <p>Bullet 4: It is respectfully recommended that “no pauses” be deleted, as “pauses” may be misconstrued by petitioners to mean pauses in registration or pauses created by noncompliant registration statuses throughout their tier periods.</p> <p>CR-415-INFO: Item 9, Hearing It is respectfully recommended that it be noted that a community safety hearing is required in order for the court to grant a Tier 2 exception or Tier 3 – Risk Level petition, and that neither petition may be granted without a community safety hearing.</p>	<p>The committee discussed this suggestion but does not recommend incorporating it at this time in order to better gauge additional considerations and guidance in this area.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the form that it is recommending for approval.</p> <p>The committee will replace “pauses” with “tolling,” as described in the statutory language, and rephrase for clarity.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the form that it is recommending for approval.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Ira Mark Ellman Center for the Study of Law and Society, University of California, Berkeley and Tara Ellman, M.B.A., consultant	The last sentence on page 11 of the Info Form says “The court...may set the request for a hearing”. It presumably is meant to say “set the date for a hearing”.	The committee discussed the suggestion but prefers the existing language.
San Diego County Office of the Public Defender by Katherine Braner, Chief Deputy, Development & Training	<p>Section 9 of the information sheet, labeled “hearing”, may give the false impression that community safety is a live issue at every hearing, regardless of whether the DA has placed it at issue. The statute provides that the DA may request a hearing on one of two bases: “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.” (PC 290.5(a)(2)). If the DA requests a hearing on the former basis only, community safety has not been put at issue. In such cases, it is neither necessary nor proper for the Court to weigh community safety considerations. In contrast, if the DA chooses to “present evidence regarding whether community safety would be significantly enhanced by requiring continued registration,” then, and only then, shall the Court weigh the community safety factors in reaching its decision. (PC 290.5(a)(3)). The upshot is clear: the Court may weigh the community safety factors listed in PC 290.5(a)(3) only if the DA raises a community safety objection at the hearing.</p> <p>As presently written, however, Section 9 incorrectly implies that every hearing will involve a weighing of the community safety factors, regardless of whether the DA has raised a community safety objection. In particular, this false impression is created by the second sentence of the first paragraph of Section 9 and the third paragraph of Section 9, both of which commence “At the hearing, the Court will . . .”. This misimpression could be avoided by modifying Section 9 to read in its entirety:</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the form that it is recommending for approval.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

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<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>The district attorney in the county where the petition is filed may request a hearing if the attorney does not believe you have registered for the minimum time period required or if the attorney believes that you should continue registering for community safety. If the court must decide at the hearing whether you should continue to register for community safety, the court will make its decision by reviewing the facts of your case, your conduct before and after the conviction, and your current risk of sexual or violent re-offense, among other factors.</p> <p>If the district attorney does not request a hearing, the court must grant the petition for termination if (1) you provided proof of current registration, (2) the registering law enforcement agency reported that you met the requirements for termination, (3) there are no pending charges against you that could extend the time to complete the registration requirements of the tier or change your tier status, and (4) you are not in custody or on parole, probation, or supervised release.</p> <p>Making this modification is necessary both to preserve alignment with the statutory language and to ensure that petitioners receive proper notice of the issues at stake in their hearings.</p>	
Superior Court of Orange County by Cherry Ward, Administrative Analyst IMPACT Team – Criminal / Traffic Operations	<ol style="list-style-type: none"> <li>1. CR-415-INFO, Section 3: Should the chart title be changed from “If you are...” to “If you are assessed as...” for consistency with the language used in other sections of this form?</li> <li>2. CR-415-INFO, Sections 6, 7, 8, 9: Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</li> </ol>	<p>The committee discussed the suggestion but prefers the existing language.</p> <p>The committee discussed the suggestion but prefers to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-415-INFO (information sheet)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	3. CR-415-INFO, Section 8: Does not mention if the petitioner has a right to attend the hearing.	The committee discussed this suggestion but concluded that it did not need to be included in the information sheet. The committee notes that individual courts will be setting up the procedures for how and when the hearings will be held and will communicate that to the petitioners as needed.

<b>Form CR-416 (District Attorney Response Form, now form CR-417)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA	Item 2(a) Because a community safety hearing is required for any Tier 2 exception or Tier 3 – Risk Level petition to be granted, it is respectfully recommended that an additional subsection of Item 2(a) be created to indicate that (i) the district attorney has no objection to the petition and (ii) that a community safety hearing is required due to the petitioner identifying and petitioning as a Tier 2 exception or petitioning as a Tier 3 – Risk Level tier designation.	The committee declines this recommendation because it would likely affect a very small number of petitions.
Superior Court of Orange County by Cherry Ward, Administrative Analyst IMPACT Team – Criminal / Traffic Operations	<ol style="list-style-type: none"> <li>1. Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing the title and footer to “Response by Prosecuting Agency to Petition to Terminate Sex Offender Registration”.</li> <li>2. There is a box for Court use only to add the hearing date and time. Can this be moved to Section 2- Response under subsection b2 so that it is clear that the hearing is being requested in conjunction with a response in subsection b?</li> <li>3. Section 2: Should the numbered bullets be formatted in the same manner for consistency? Subsection b</li> </ol>	<p>The committee discussed the suggestion but prefers to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.</p> <p>The committee discussed the suggestion but prefers the existing format.</p>

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-416 (District Attorney Response Form, now form CR-417)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>shows the numbered bullets with a period, while subsection c shows the numbered bullets in parentheses.</p> <p>4. Section 2: Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</p> <p>5. Should the Name and Signature lines have a title? Like Printed Name of prosecutor, signature of prosecutor.</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee discussed the suggestion but prefers to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p>

<b>Form CR-416 (District Attorney Response Form, now CR-417) and Form CR-417 (Court Order, now CR-418)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Department of Justice by Arturo Rodriguez, Staff Services Manager III Sacramento, CA</p>	<p>DA Response Form: Item 2(c)(5)* It is respectfully recommended that the following language be deleted: “Unless petitioner is convicted of a new offense extending it, the mandatory minimum registration period will be met as of (date):_____”. While there is a clear need to inform the petitioner so they understand where their petition is deficient, there are concerns with asking the district attorney’s office to establish the eligibility date and to record it. By statute, the required determination is whether the individual has met their mandatory minimum registration period, not to establish when that date will be met.</p> <p>Recording the specific future eligibility date may also be problematic. The recording of a specific date is subject to transcription errors and may be miscalculated even if the statement that the petitioner has not met their mandatory minimum registration period at the time of petitioning is factually correct. District attorney’s offices may be hesitant to</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption by eliminating that sentence.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-416 (District Attorney Response Form, now CR-417) and Form CR-417 (Court Order, now CR-418)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>record a specific date at the level of day, month, or even year which will be relied upon by the courts and the petitioner.</p> <p>Relatedly, the same concerns exist for draft form CR-417. Judicial officers may rely on the district attorney's report regarding eligibility date and may record an incorrect date provided in form CR-416 or may transcribe a correctly recorded date incorrectly. With two separate items on this draft form requiring the eligibility date, if there are any errors in transcription and the two dates on the CR-417 differ, the petitioner will not be able to reconcile the dates. Petitioners are also likely to rely on the recorded dates on form CR-416 and CR-417. The court similarly is under no mandate or obligation to report to the petitioner the exact date when the petitioner may be eligible to re-petition when a petition is summarily denied.</p> <p>*This comment also applies to draft form CR-417, Item 3(e) and Item 4(a)</p> <p>DA Response Form: Item 2(c)(7)* It is respectfully recommended that "risk assessment score" be revised to "risk assessment level" to conform with the language of Penal Code section 290(d)(3)(D), as added effective January 1, 2021.</p> <p>*This comment also applies to draft order, Item 3(g)</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

<b>Form CR-417 (Court order, now CR-418)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Orange County by Cherry Ward, Administrative Analyst IMPACT Team – Criminal / Traffic Operations	<ol style="list-style-type: none"> <li>Section 1: If the petition was filed by an attorney, does the order list their name and address or the petitioner's? If the petitioner's address, there is no place to enter that information on CR-415 form as you can only designate an address for the attorney or petitioner, does not allow for both.</li> </ol>	The petition allows the petitioner or counsel to list one mailing address, which would be reflected in the order.

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**SP20-03 Criminal Forms: Sex Offender Registration Termination** (Adopt forms CR-415, CR-416, and CR-417; approve form CR-415-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

<b>Form CR-417 (Court order, now CR-418)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>2. Section 3: Can the word summarily be in bold to make the distinction clear between Sections 3 and 4?</p> <p>3. Section 4: Can additional lines be added under subsection b(1) for the reasons?</p>	<p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**SP20-11****Proof of Service for Sex Offender Registration Termination (Form CR-416)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association by Scott Garner, President	A	No specific comment.	The committee appreciates the comment.
2.	Superior Court of Orange County by Cherry Ward, Criminal Administrative Analyst	AM	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p>Orange County Superior Court notes/recommends the following:</p> <ol style="list-style-type: none"> <li>1. CR-416, Instructions: Align bullet points with corresponding statement.</li> <li>2. CR-416, Instructions, 1<sup>st</sup> bullet point: Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</li> <li>3. CR-416, 4(b): Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</li> <li>4. CR-416, 4(d): Because a city attorney can be the prosecutor on a PC 290 case with sex offender registration ordered, recommend changing district attorney to prosecutor or prosecuting agency.</li> </ol> <p><b>The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters:</b></p>	<p>The committee appreciates the comments.</p> <p>The committee agrees with this suggestion and has incorporated it into the form.</p> <p>The committee discussed the suggestion but prefers to use the term “district attorney” to reflect the statutory language of Penal Code section 290.5.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-11****Proof of Service for Sex Offender Registration Termination (Form CR-416)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p><b>Would the proposal provide cost savings? If so, please quantify.</b>            No, these forms are legislation driven; will increase workload.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b>            The proof of service form would be included in the petition process. The petitions, once filed, require responses from LEA and prosecutors before the court can take further action and will not have “counts” or “charges”.</p> <ul style="list-style-type: none"> <li>• Recommend a working group with our justice partners (DA, PD, LEA) to ensure expectations are in alignment</li> <li>• Workflows needed to outline:               <ul style="list-style-type: none"> <li>○ Where these petitions will be filed</li> <li>○ What courtrooms will hear them</li> <li>○ How the cases are tracked to ensure timelines are followed</li> <li>○ Will the court send correspondence to agencies when timelines are exceeded?</li> <li>○ How cases will be initiated (manually?)</li> <li>○ Requirements for acceptance (incomplete forms ok?)</li> </ul> </li> </ul>	<p>No response required.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-11****Proof of Service for Sex Offender Registration Termination (Form CR-416)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>○ New docket codes needed for filing the petition, noting service, filing responses, setting hearing dates, judicial ruling, JBSIS/DOJ reporting</li> <li>○ How will cases be “closed” in our Case Management System?</li> <li>○ How re-filed petitions will be handled (same case number?)</li> <li>• New procedure will be required</li> <li>• Training scope will depend on where these cases are filed/heard</li> </ul> <p><b>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>Under normal conditions I believe so, but COVID may affect availability of Court Technology and judicial resources, judicial partners, etc.</p> <p><b>How well would this proposal work in courts of different sizes?</b></p> <p>We do not see any issues for courts of different sizes in relation to the forms.</p>	<p>No response required.</p> <p>No response required.</p>
3.	Superior Court of Orange County, Juvenile Division by Vivian Tran, Administrative Analyst	NI	Juvenile Court is proposing Juvenile forms be created for Sex Offender Registration Termination matters. The Criminal forms that have been created do not meet the needs of the Juvenile departments (e.g. references to defendants vs. Youth, etc.). It would be helpful and beneficial for the Juvenile and Family Law	The committee appreciates the comments. The comments have been relayed to the Family and Juvenile Law Advisory Committee, which oversees forms for use in juvenile court.

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**SP20-11****Proof of Service for Sex Offender Registration Termination (Form CR-416)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Committee to develop a similar form for Juvenile.</p> <p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> No.</p> <p><b>What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revised processes and procedures (please describe), changing docket code in case management systems, or modifying case management systems?</b> Juvenile court would have to create a procedure for the process of petitioning to terminate sex offender registration and train clerk's office staff. New events codes and macros would also need to be created in Odyssey if a Juvenile form is created for this process. It is recommended that a form specific to Juvenile be created.</p> <p><b>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP20-11****Proof of Service for Sex Offender Registration Termination (Form CR-416)**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<b>How well would this proposal work in courts of different sizes?</b> This proposal would meet the need in all courts of different sizes because it would assist in tracking of when the petition was served. It would also assist the law enforcement agencies and District Attorney agencies to determine the time-frame permitted to file a response/opposition.	No response required.