Superior Court of California
County of Fresno
Michael L. Elliott
Court Executive Officer/Clerk/Jury Commissioner
Dawn Annino
Assistant Court Executive Officer

Notification Re Senate Bill No. 384 - Sex Offender Registration Act (Juveniles)

This Notice is to advise the public as to the Court's procedures for petitions to terminate an applicant's sex offender registration requirement as a result of the recent changes to California's Sex Offender Registration Act. This Notice describes the Court's procedures and is not intended as a substitute for legal advice.

Senate Bill No. 384 (2017-2018) changed the existing California juvenile sex offender registry into a two-tiered system. (Penal Code[1] § 290.008(d).)

TIERS:

- Tier 1: A person placed in Tier 1 must register as a sex offender for a minimum of 5 years.
- Tier 2: A person placed in Tier 2 must register as a sex offender for a minimum of 10 years.

PETITION TO TERMINATE SEX OFFENDER REGISTRATION:

On or after their birthday following July 1, 2021, a person who was ordered to register as a sex offender by a juvenile court may file a petition for termination from sex offender registration if their mandated minimum registration period has expired. The petition must be filed with the Juvenile Court in the county in which the person is registered. Therefore, only juvenile offenders registered with a law enforcement agency (LEA) in Fresno County may file a petition for termination of registration with the Juvenile Court of the Superior Court of California, County of Fresno.

1. Petition: All petitions must be on the mandatory Local Form PJV-60. This form may be obtained from the Court or online at www.fresno.courts.ca.gov/forms. The form will not be available prior to July 1, 2021. All parts of the form must be filled out and signed.
   - The petition must include proof of the applicant's current registration as a sex offender, which may be obtained upon request from the LEA.

2. Process: The petition must be **filed** with the Superior Court of California, County of Fresno Juvenile Justice Division, at 3333 E. American Ave, Suite A, Fresno, CA 93725. The applicant then has 15 court days[2] to **serve** the filed petition on the following agencies:
   - The registering LEA;
   - The Fresno County District Attorney (DA);
   - LEA in the county of conviction (if different); and

[1] All further statutory references are to the Penal Code unless otherwise indicated.
[2] California Rules of Court, rule 10.603(c)(11).

- DA in the county of conviction (if different).

The applicant must also **file** proof of service on these above agencies with the Juvenile Court within 15 court days of the filing of the petition.

*The Juvenile Court may summarily deny a petition if the applicant does not comply with the above filing and service requirements.

- All LEAs served with the petition will have 60 days after service to report to the DA and the Juvenile Court whether the applicant has met the requirements for termination pursuant to § 290.008.

- After receiving the report, the DA has 60 days to request a hearing if the applicant has not met the requirements, or if the DA believes community safety would be significantly enhanced by the applicant's continued registration.

- If the DA does NOT REQUEST a hearing:

  a) The Juvenile Court may **deny** the petition if it determines that the applicant does not meet the statutory requirements for termination of registration, or if the applicant has not fulfilled the above filing and service requirements.

  b) The Juvenile Court may **grant** the petition if it finds: proper proof of current registration was submitted with the petition; the statutory requirements for termination of sex offender registration have been met; the applicant has no pending charges extending the time to complete the registration requirements of the tier or changing the applicant's tier status; and the applicant is not in custody or on parole, probation, or supervised release for any charge, not just sex offenses.

- If the DA REQUESTS a hearing:

  a) The hearing will be confidential. The Juvenile Court will give notice of the hearing date, time and department to all parties.

  b) At the hearing, the DA may present evidence as to whether community safety would be significantly enhanced by requiring continued registration. The applicant may appear at the hearing.

  c) After the hearing, the Juvenile Court will grant or deny the petition. The Juvenile Court may announce its decision at the hearing, or through a written order mailed to the parties.

3. Juvenile Court's Decision:
   - If the petition is DENIED, the applicant must continue to register as a sex offender. The Juvenile Court will set a time period after which the applicant can re-petition for termination from the sex offender registry, which shall be no earlier than one year, and not later than five years, from the date of denial. **Any subsequent petition filed by the applicant before the re-petition date given by the Juvenile Court will be summarily denied**. The Juvenile Court will also notify the DOJ, the California Sex

Offender Registry, and all other parties that the petition was denied, and include the applicable re-petition time period.

- If the petition is GRANTED, the applicant will be no longer required to register as a sex offender in California. The Juvenile Court will notify the DOJ, the California Sex Offender Registry, and all other parties that the petition was granted.