

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SP20-03

Title

Criminal Forms: Sex Offender Registration Termination

Action Requested

Review and submit comments by October 21, 2020

Proposed Rules, Forms, Standards, or Statutes

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

Proposed Effective Date

July 1, 2021

Proposed by

Criminal Law Advisory Committee
Hon. J. Richard Couzens, Chair

Contact

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Executive Summary and Origin

The Criminal Law Advisory Committee proposes three new mandatory forms and an optional information sheet to be used to petition the court for termination of sex offender registration, 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 relevant parts of the Sex Offender Registration Act (Sen. Bill 384; Stats. 2017, ch. 541).

Background

Under the Sex Offender Registration Act, 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 state Department of Justice will designate tiers for all current registrants and will notify the registering law enforcement agency of the designation. 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 that 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.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee.
It is circulated for comment purposes only.*

Prior Circulation

Earlier this year, a proposal (SPR20-16) to adopt the forms included in this proposal was circulated for public comment. Twenty comments were received from a range of stakeholders: the Department of Justice, courts, law enforcement, district attorney's offices (Los Angeles, San Diego), a public defender's office (San Diego), advocates, and members of the public. Most commenters agreed with the proposal if modified. The committee incorporated several substantive changes suggested by commenters.

Acknowledgment of receipt

In the prior proposal, the committee circulated for public comment an *Acknowledgment of Receipt* form requiring law enforcement and the district attorney to confirm receipt of the petition to the court within 10 days. Several law enforcement agencies, district attorney's offices, and a public defender's office opposed the form, stating, 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 has decided not to move forward with the previously proposed *Acknowledgment of Receipt* form.

One commenter stated that the service section of the petition provided sufficient information about proper service. The committee agreed, with minor modifications to the service section of the petition 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.

Summary denial

The previously circulated response form and order form included three grounds for requesting and granting summary denial of the petition: first, that petitioner did not meet the minimum time period for registration; second, that petitioner was assigned to a lifetime tier and does not qualify for termination; and third, a catch-all "other" category. The committee received two comments recommending that the forms include additional reasons for summary denial, mirroring the statutory requirements, to fully inform petitioners about how to correct any subsequently filed petitions. The committee agreed with the comments. The proposed changes also align with statutory changes introduced by Senate Bill 118 (Stats. 2020, ch. 29), discussed below, regarding summary denials.

Incorporating comments

The committee also incorporated other comments into the forms for further clarification, user-friendliness, and correcting omissions and errors.

Update to Penal Code section 290.5

While the forms circulated for public comment, the Legislature introduced, and the Governor subsequently signed into law, a budget trailer bill (Senate Bill 118) 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. The petition form and information sheet have been modified to state that petitions must be filed only on or after the petitioner's next birthday after July 1, 2021, and the district attorney response form and court order were modified to expand the summary denial sections.

The Proposal

The committee proposes adoption of the following three mandatory forms and approval of an information sheet.

Petition to Terminate Sex Offender Registration (form CR-415) allows petitioner or counsel to:

- Indicate that petitioner has met the requirements for termination under Penal Code section 290.5(a)(2), including proof of current registration; that petitioner has no pending charges that could extend the time to complete the registration requirements of petitioner's tier or change petitioner's status; and that petitioner is not in custody and not on parole, probation, postconviction supervised release, or any other form of supervised release;
- Identify petitioner's tier designation and indicate whether petitioner has registered for the minimum number of years for that tier designation as required under Penal Code section 290(e);
- If applicable, indicate whether petitioner has met the exceptions requirements outlined in Penal Code section 290.5(b);¹
- Provide information on any previously filed and denied petitions so the served parties and the court are aware of any time restrictions on filing a subsequent petition under Penal Code section 290.5(a)(4) and (b)(2)–(3); and
- State the agencies that the petition was served on and the method of service, to indicate compliance with the service requirements of Penal Code section 290.5(a)(2).

Information on Filing a Petition to Terminate Sex Offender Registration (form CR-415-INFO) is an information sheet that provides background on eligibility for relief, tier designation, tolling of the registration period, exception categories, and the petition process.

¹ This subdivision includes specified exceptions to tier two's 20-year registration requirement and tier three's lifetime registration requirement. Tier two contains an exception that permits a minimum 10-year registration requirement for specified offenses involving a minor victim, 14 to 17 years of age, that occurred when the offender was under 21. The state Department of Justice has indicated that it will not separately designate tier two registrants in this exception category. There is also an exception for registrants who have been designated as tier three due to an above-average risk level on the sex offender risk-assessment instrument, which permits them to petition for termination after a minimum 20-year registration period. The state Department of Justice has indicated that it *will* separately designate persons in tier three based on a risk-level assessment. The court's role is to determine whether community safety would be enhanced by requiring continued registration and, if the court denies the request based on community safety concerns, the time period after which the person can file another petition.

Response by District Attorney to Petition to Terminate Sex Offender Registration (form CR-416) allows the district attorney to:

- State that there is no objection to the petition;
- Request a hearing based on either a community safety argument or because petitioner did not meet the requirements of Penal Code section 290(e) (Pen. Code, § 290.5(a)(2)); or
- Recommend that the court summarily deny the petition based on petitioner’s ineligibility.

Order on Petition to Terminate Sex Offender Registration (form CR-417) allows the court to take one or more of the following actions:

- Grant the request to terminate sex offender registration under Penal Code section 290 et seq.;
- Summarily deny the request based on petitioner’s ineligibility;
- Deny the request after hearing based on a finding that community safety would be significantly enhanced by petitioner’s continued registration or because petitioner did not meet the requirements of Penal Code section 290(e) (Pen. Code, § 290.5(a)(2));
- Indicate that its findings after hearing are either stated on the record or set forth in writing in the order; and
- Indicate the time period after which the petitioner may file another petition (Pen. Code, § 290.5(a)(4), (b)(2)–(3)).

The committee recommends an effective date of July 1, 2021, for the proposed forms since the termination petition process goes into effect on that date.

Alternatives Considered

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 for the court’s consideration. To ensure that petitioner receives a copy of the district attorney’s response, the committee added a line to the district attorney’s response form indicating service of the form to the petitioner.

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 by streamlining some of this process and providing greater thoroughness and consistency in the presentation of the relevant information. Expected costs include training, case management system updates, and the production of new forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- 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?
- Would six months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-415, CR-415-INFO, CR-416, and CR-417, at pages 6–15
2. Link A: Senate Bill 384 (Stats. 2017, ch. 541),
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB384
3. Link B: Penal Code section 290.5, effective July 1, 2021,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN
4. Link C: Senate Bill 118 (Stats. 2020, ch. 29),
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB118

Clerk stamps date here when form is filed.

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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 this petition and proof of current registration must be served on the proper law enforcement agencies and district attorney offices. 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: _____
Last First Middle

Date of birth: _____ (mm/dd/yyyy)

b. Attorney assisting with the petition (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**):

Check if attorney's contact information

Street _____

City _____ State _____ Zip _____ Phone: _____

E-mail (if available): _____ Check if you agree to e-mail 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):

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.

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 to 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 Service

A copy of this petition and the proof of current registration was served on the following agencies (include the name or county of the agency and the address where the petition and proof of current registration was served):

Agency Name	Service
Registering law enforcement agency: Name of agency: _____ Address: _____	Date of service: _____ Method: <input type="checkbox"/> mail <input type="checkbox"/> in-person <input type="checkbox"/> electronic
District attorney (county of registration): County: _____ Address: _____	Date of service: _____ Method: <input type="checkbox"/> mail <input type="checkbox"/> in-person <input type="checkbox"/> electronic
Law enforcement agency (county of conviction): Name of agency: _____ Address: _____	Date of service: _____ Method: <input type="checkbox"/> mail <input type="checkbox"/> in-person <input type="checkbox"/> electronic
District attorney (county of conviction): County: _____ Address: _____	Date of service: _____ Method: <input type="checkbox"/> mail <input type="checkbox"/> in-person <input type="checkbox"/> electronic

10 Registration Period

- Petitioner believes that they have met the requirements to register for the time period required by petitioner’s tier designation.

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 must be filed only 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.

- 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.
- Any misdemeanor conviction for failure to register extends the minimum time period by one year. Any felony conviction for failure to register extends the minimum time period by three years.
- If there have been no pauses or extensions of the minimum registration period, you are eligible to petition for relief after you have registered for the following minimum 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

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 Tier 1 or Tier 2; or
- You have been assessed as Tier 3 based solely on your assessed level of relative risk.

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.

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 assignments for all current registrants and will notify the law enforcement agency where you register. 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.



If you are assessed as 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 and that victim was 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 with the court?

- On or after your next birthday after July 1, 2021, you can 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 in the county of your primary residence.
- Make a copy of the petition and proof of current registration for each law enforcement agency and district attorney’s office you (or someone on your behalf) must serve. Most courts will require you to serve the law enforcement agency and district attorney’s office before filing the petition with the court.
- 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 ask how you can receive proof of filing.
- File the petition by:
 - Taking it to the court clerk in person;
 - Mailing the petition to the court; or
 - Depending on the court’s local rules and practices, filing the petition electronically.



7 Who else gets a copy of the petition, and how?

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. 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:

- **Personal service:** You may serve the petition 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. You may want to ask the representative for a written acknowledgment of receipt. This is the most reliable form of service.
- **Service by mail:** Place copies of the petition and the 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.

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

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 4 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 must request a hearing within 60 days after receiving the eligibility report from law enforcement.

Once you file your petition and the court gives you a case number, you can see whether any responses from the law enforcement agency and the district attorney's office have been filed in the court by (1) looking up the case online for courts with remote electronic access, or (2) going in person to the court to review the case docket through a paper file or at a public access kiosk.

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 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. 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 and your conduct since the conviction.

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.

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 before and after the conviction, and your current risk of sexual or violent re-offense, among other factors.

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

**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: _____
Last First Middle

Date of birth: _____ (mm/dd/yyyy)

CSAR Petition Number: _____

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)

Fill in court name and street address:

Superior Court of California, County of

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 one):
 - 1. Community safety would be significantly enhanced by the petitioner's continued registration; or
 - 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):

Case Number:

For Court use only:

**Date:
Time:
Department:**

- (1) Petitioner has not fulfilled the filing and service requirements of Penal Code section 290.5 because: _____
- (2) 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: _____
- (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. Unless petitioner is convicted of a new offense extending it, the mandatory minimum registration period will be met as of (date): _____
- (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 score and has not met the following criteria for a 20-year registration exception in Penal Code section 290.5(b)(3): _____
- (8) Other: _____

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

Date: _____

Printed Name

Signature

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

Clerk stamps date here when form is filed.

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the Judicial Council**

① Petitioner's Name: _____
Last First Middle

Date of birth: _____ (mm/dd/yyyy)

CSAR Petition Number: _____

Mailing address: _____
Street

City State Zip

E-mail: _____

Fill in court name and street address:

Superior Court of California, County of

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)*:

Court fills in case number when form is filed.

Case Number:

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

b. 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:

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. Unless petitioner is convicted of a new offense extending it, the mandatory minimum registration period will be met as of: *(date)*: _____

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 score 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.

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

4 After hearing, the court **DENIES** the petition to terminate the adult sex offender registration requirement because the court finds that (*check one*):

- a. Petitioner has not met the requirements of Penal Code section 290(e). Unless petitioner is convicted of a new offense extending it, the mandatory minimum registration period will be met as of (*date*): _____
- 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:

- (1) **For Tier 1 and Tier 2 denials:** Petitioner may not file another petition for termination for _____ years (must be between 1-5 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.

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).

Date: _____

Signature of Judicial Officer