

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W23-08

Title

Juvenile Law: Sex Offender Registration
Termination

Action Requested

Review and submit comments by January 20,
2023

Proposed Rules, Forms, Standards, or Statutes

Adopt forms JV-915, JV-917, JV-918;
approve forms JV-915-INFO and JV-916

Proposed Effective Date

September 1, 2023

Proposed by

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulseley, Cochair

Hon. Amy M. Pellman, Cochair

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes the adoption of three mandatory forms and the approval of two optional forms to be used to petition the juvenile court for termination of sex offender registration for persons required to register as sex offenders as a result of a juvenile adjudication and commitment to the Division of Juvenile Justice. All five forms are adapted from existing forms that were approved by the council for use in criminal courts and became effective July 1, 2021.

Background

Under the Sex Offender Registration Act, effective January 1, 2021, sex offender registration has converted from a lifetime requirement to a tier-based registration system with a minimum registration time period. Sex offender registration for youth adjudicated in juvenile court is required only for those who are committed to the Division of Juvenile Justice, and the minimum time period is either 5 or 10 years, depending on the registrable offense. The California Department of Justice will designate tiers for all current registrants and will notify the registering law enforcement agency of the designation. As of July 1, 2021, registrants have been able to 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 (DA) may request a hearing if the DA believes that the person does not meet the requirements or that community safety would be enhanced by the person's continued

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 It is circulated for comment purposes only.

registration. Penal Code section 290.5, effective July 1, 2021, outlines the procedure and requirements for the petition process. On March 12, 2021, the Judicial Council adopted three mandatory criminal forms and approved two optional forms to be used for this purpose, but juvenile cases were not included because of the differences in the statutory requirements and terminology.¹

The Proposal

The committee proposes the adoption of three mandatory forms and approval of two optional forms to allow for the court to complete the process for considering petitions for termination of juvenile sex offender registration.

Petition to Terminate Juvenile Sex Offender Registration (form JV-915)

Form JV-915 allows petitioner or counsel to (1) indicate that petitioner has met the requirements for termination under Penal Code section 290.5(a), 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; (2) 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 290.008; (3) 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 (4) identify the law enforcement 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 Juvenile Sex Offender Registration (form JV-915-INFO)

Proposed form JV-915-INFO is an information sheet that provides background on eligibility for relief, tier designation, tolling of the registration period, and the petition process.

Proof of Service–Juvenile Sex Offender Registration Termination (form JV-916)

Proposed form JV-916 is designed to assist a petitioner in documenting all required service on law enforcement and the district attorney, as stated in section 290.5(a)(2).

Response by District Attorney to Petition to Terminate Juvenile Sex Offender Registration (form JV-917)

This form allows the district attorney to provide a response to a petition, which may be to indicate no objection to the petition, object because of community safety, object because the petitioner is ineligible, or request a summary denial and state the reason. It is being proposed as a mandatory form that would be filed in all cases.

¹ Judicial Council of Cal., Advisory Com. Rep., *Criminal Forms: Sex Offender Registration Termination* (Feb. 11, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9183000&GUID=C952EF51-7DC9-4D06-8519-CF6CCC9811D1>.

Order on Petition to Terminate Juvenile Sex Offender Registration (form JV-918)

Form JV-918 allows the court to take one or more of the following actions: (1) grant the request to terminate sex offender registration under Penal Code section 290 et seq.; (2) summarily deny the request based on petitioner's ineligibility; (3) 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); (4) indicate that its findings after hearing are either stated on the record or in writing in the order; and (5) state the time period after which the petitioner may file another petition.

Alternatives Considered

The committee considered making all the forms—not just the information form and the proof of service form—optional in case any courts wish to retain local forms that they created, as an alternative to the mandatory forms, but determined that mandatory forms would be preferable unless the comments received indicate that it would be disruptive to courts to make the forms mandatory. The committee has asked for specific comment on this issue. The committee also considered taking no action to assist those required to register for juvenile adjudications but determined that, although the volume of these cases is not high, the procedure is challenging and the courts and registrants would benefit from the approval of standardized forms.

Fiscal and Operational Impacts

The volume of petitions for termination of juvenile sex offender registration under Penal Code section 290.5 is anticipated to be relatively small because of the narrow group of offenders who are required to register as juvenile offenders. Moreover, with the closure of Division of Juvenile Justice, after June 30, 2023, no youth adjudicated in juvenile court will be required to register. Despite this smaller pool of petitioners, juvenile courts have requested access to forms to assist them with the juvenile requests for termination. The proposed forms are intended to mitigate workload burdens by streamlining some of this process. 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?
- Would making forms JV-915, JV-917, and JV-918 mandatory result in a significant disruption of existing court processes because of the adoption of local forms?

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 four 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 JV-915, JV-915-INFO, JV-916, JV-917, and JV-918, at pages 5–14
2. Link A: Pen. Code, § 290.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN
3. Link B: Pen. Code, § 290.008,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.008.&lawCode=PEN

3 Termination Request

Petitioner requests termination of the requirement to register as a sex offender in California.

4 Pending Charges

There are no known 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 (Juvenile)
 - Petitioner has registered for at least 5 years.
- b. Tier 2 (Juvenile)
 - Petitioner has registered for at least 10 years

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 and _____ months as the time period after which petitioner may request termination again.

9 Registration Period

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

Date: _____

Printed name of petitioner or attorney



Signature of petitioner or attorney

1 General Information

- 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.
- Form JV-915 and proof of current registration may only be filed following the expiration of your mandated minimum registration period.
- This information sheet is for terminating registration based on adjudications in juvenile court. It does not address registration based on criminal convictions.
- Proof of current registration is available at the registering law enforcement agency.
- It is very important that you provide a reliable mailing address on JV-915 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*
- 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 the offense for which you were adjudicated and committed to the Division of Juvenile Justice. 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.

- Upon being adjudicated for a registrable offense, your minimum required registration period begins on the date you were released from the Division of Juvenile Justice.
- 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 (Juvenile)	5 years
Tier 2 (Juvenile)	10 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 eligible to petition for relief only 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;
- You are not on parole, probation, postconviction supervised release, or any other form of supervised release;
- You have not been convicted of a new offense requiring sex offender registration since your release from custody following your adjudication for the offense originally giving rise to your duty to register; and
- You have not been convicted of a new offense described in Penal Code section 667.5(c) since your release from custody upon adjudication for the offense originally giving rise to your duty to register.



5 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?

You may file form JV-915 and proof of current registration as a sex offender, which you can get from the registering law enforcement agency, in the juvenile 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 form JV-915 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 or service of the petition and proof of current registration and ask how you can receive proof of filing.
- File the form JV-915 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.

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

After the form JV-915 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 adjudicated of a registrable offense in a county other than where you currently reside or 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 registrable offense.

Example: If you were adjudicated for 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 Juvenile Sex Offender Registration Termination* (form JV-916) 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.



Your petition may be denied if all law enforcement agencies and district attorney offices required to be served are not served. When service is complete, you or the person who served the documents on your behalf must fill out *Proof of Service Juvenile Sex Offender Registration Termination* (form JV-916) and file it with the court.

7 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.

8 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. 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.

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.

9 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. That period must be at least one year from date of denial, but may not exceed five years, based on facts presented at the hearing.

Clerk stamps date here when form is filed.

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JV-916.v2.101922.cz****Instructions**

- This form is for providing proof that a copy of a filed *Petition to Terminate Juvenile Sex Offender Registration* (form JV-915) and proof of current registration were served (delivered) to the required law enforcement agencies and district attorney offices. Read *Information on Filing a Petition to Terminate Juvenile Sex Offender Registration* (form JV-915-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/EFS-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 *Petition to Terminate Juvenile Sex Offender Registration* (form JV-915) 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 Juvenile 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 Juvenile Sex Offender Registration* (form JV-915) 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



4 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

Delivered in person to (*name*): _____ at (*time*): _____ at the address above

c. **Law enforcement agency (county of conviction, if different from 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 adjudication, if different from 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 offices. Attach a separate page listing the names, addresses, dates of service, and methods of service of each additional copy you served. Write “JV-916, Item 4” on the top of the page.

5 I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Date: _____

Type or print server’s name



Server signs here after serving

**Order on Petition to Terminate
Juvenile Sex Offender Registration**

Clerk stamps date here when form is filed.

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① Petitioner's Name: _____
First Middle Last

Birthdate: _____ CSAR Petition No.: _____
(mm/dd/yyyy)

Name of attorney representing petitioner (if any): _____

Mailing address: _____
Street

City State Zip

Email: _____

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. Pending charges against petitioner 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 has not met the mandatory minimum registration period for petitioner's tier.

e. Other: _____

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 stated below:

This is a Court Order.



Case Number: _____

4 c. Petitioner may not file another petition for termination for ____ years (must be between one to five years) from the date of denial, for the following reasons: _____

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.