

Marin County Superior Court

SB384 - Information on Filing a Petition to Terminate Adult Sex Offender Registration

I. General Information

- Your petition and proof of current registration cannot be filed until **on or after your next birthday after July 1, 2021, following the expiration of your mandated minimum registration period.**
- 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.
- Proof of current registration is available at the law enforcement agency in the county where you are registered.
- **You must provide a reliable mailing address in your petition so that the District Attorney's Office and the court can reach you.** If your address changes after you have filed a petition, contact the court immediately to notify us of the change.

II. Am I eligible for relief under Penal Code 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.

III. How do I know which tier I am in and how is it 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.

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- 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 a . . .	You must have registered for at least . . .
Tier 1 Adult	10 years
Tier 2 Adult	20 years
Tier 2 Adult 10-Year Registration Exception	10 years
Tier 3 Adult Based on Risk Level	20 years*

*Refer to [Penal Code section 290.5\(b\)\(3\)](#) as amended under SB 384 for additional information on Tier 3 Adult 20 years registration requirements.

IV. Are there 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, post-conviction supervised release (PRCS), or any other form of supervised release.
[See Section V](#) (five) 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”).

V. If I am a Tier 2 (Adult), how do I know if I qualify for the 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.

VI. Petition Filing Requirements

- **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 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.
- Follow all the instructions listed in this packet regarding the filing and/or service of your petition and proof of current registration.
- Once you have received your proof of current registration from the law enforcement agency and you have fulfilled all your registration requirements, you must provide the court with the following:
 - An original Petition form **CR-415, Petition to Terminate Sex Offender Registration** and three (3) copies of each.
 - An original and three (3) copies of your proof of registration from the law enforcement agency.
 - The court will return the three endorsed-filed copies to you for service on the District Attorney's Office and the Law Enforcement Agency, with the third copy to be kept for your records.
 - A self-addressed stamped envelope for return to the petitioner/filer by U.S. mail.
 - When your petition has been filed, it will be assigned a case number.

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- File the petition documents with the court in person or by U.S mail to the:
Marin County Superior Court
3501 Civil Center Drive, Room C-10
P. O. Box 4988
San Rafael, CA 94913

VII. Who else needs a copy of the petition?

- After your petition documents 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;
 - 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 in Sonoma County but register in Marin 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.

VIII. How do I deliver (serve) the petition?

- In Marin County there are two main ways to serve the petition and proof of current registration.
 - **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.
 - **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.
- 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, Proof of Service—Sex Offender Registration Termination) and file it with the court.

IX. Do I have to appear in person for a hearing?

- The court will notify you by mail if will be required to appear in person.
 - The district attorney in the county where the petition is filed may request an in person hearing if they do not believe you have registered for the minimum time period required or if they believe 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.
 - 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:
 - you provided proof of current registration from the registering law enforcement agency,
 - the registering law enforcement agency reported that you met the requirements for termination,
 - 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
 - you are not in custody or on parole, probation, or supervised release.

X. When will the court make a 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 will have sixty (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 to complete their work if needed.
 - The district attorney may request an in person hearing within sixty (60) days after receiving the report from the law enforcement agency.
- The court may grant your request, deny your request, or set the request for a hearing if one is requested by the district attorney.

XI. What do I do if my petition is granted?

- If the court grants your petition, you will no longer be required to register as a sex offender in the state of California.
- The court will mail you a copy of the decision granting your petition; keep this for your records.
- The court will notify the Department of Justice and the California Sex Offender Registry that your petition has been granted.

XII. What do I do if my petition is denied?

- If the court denies your request, you will be notified about how much time must pass before you can make the request again. That time will depend, 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.

XIII. Forms and Other Information

- You may obtain the following forms online at:
 - Petition to Terminate Sex Offender Registration:
<https://www.courts.ca.gov/documents/cr415.pdf>
 - Proof of Service – Sex Offender Registration Termination:
<https://www.courts.ca.gov/documents/cr416.pdf>
 - Other general Judicial Council forms are available online at
<https://www.courts.ca.gov/forms.htm>
 - For Department of Justice Information, contact the Records Review section at (916) 227-3849 or on the web at <https://oag.ca.gov/fingerprints/record-review>.
 - For California Sex and Arson Registry information on the web go to <https://oag.ca.gov/sex-offender-reg>