


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Veronica Gilliard, Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Department of Justice (DOJ) Policy Regarding Tiering Placement of Attempted Sex Offense Convictions</p>	<p><i>No.</i> 24-18-CJIS</p> <p><i>Date:</i> 11-04-2024</p>	<p><i>Contact for information:</i> California Sex Offender Registry SB384@doj.ca.gov</p>

TO: REGISTERING LAW ENFORCEMENT AGENCIES, COURTS, AND DISTRICT ATTORNEYS

This information bulletin updates the policy of California Department of Justice (DOJ) regarding tier placement for those convicted of attempted sex offenses under the Sex Offender Registration Act (Pen. Code, § 290 *et seq.*). As announced in Information Bulletin No. 20-02-CJIS, dated March 25, 2020, titled “Senate Bill (SB 384) Sex Offender Tiering – Effective Date January 1, 2021,” SB 384 (Stats. 2017, ch. 541) restructured the sex offender registration system into a tier-based system, requiring registration for periods of 10 years (tier 1), 20 years (tier 2), and life (tier 3), depending on specific criteria. On March 25, 2024, the Superior Court of Los Angeles County entered judgment in *Doe v. California Department of Justice*, case no. 22STCV21283, directing that convictions for *attempted* sex offenses subject to registration be tiered at the lowest tier level unless the Registry law states otherwise. The judgment states:

The Department of Justice will amend its policy regarding the tiering of convictions for attempt crimes under the Sex Offender Registration Act, codified in Penal Code section 290 *et seq.*, to be consistent with the Court’s order issued on June 12, 2023, attached as Exhibit 1.

The Court’s judgment and order are attached to this information bulletin. Accordingly, DOJ will re-tier eligible registrants to lower tiers, depending on their underlying conviction(s) and other qualifying factors, pursuant to Penal Code section 290, *et seq.* The majority of registrants who will be re-tiered are those who were assigned to tier 3 for a conviction of an attempted applicable offense enumerated in Penal Code section 290, subdivision (d)(3)(C), (I)-(R), as well as applicable attempted crimes under Penal Code section 290, subdivision (d)(4)(A).

Not all attempted offenses will be re-tiered as tier 1, as some applicable attempted offenses fall within tier 2 under Penal Code section 290, subdivision (d)(2)(A). This section states, in relevant part:

A tier two offender is subject to registration for a minimum of 20 years. A person is a tier two offender if the person was convicted of an offense described in subdivision (c) that is also described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7....

Penal Code section 1192.7, subdivision (c) enumerates various serious felonies, the attempts of which are incorporated under Penal Code section 1192.7, subdivision (c)(39). Thus, some applicable offenses will be re-tiered from tier 3 into tier 2 instead of tier 1.

DOJ will attempt to notify all persons affected by this judgment through United States Postal Service

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mail that they may request an updated Tier Notification Letter from their local registering agency.

For persons who are registered as transient or do not reside in California, and who have received a Tier Notification Letter stating they are assigned to tier 3 for an attempted offense, should contact DOJ at sb384@doj.ca.gov for more information.

Sincerely,

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For ROB BONTA
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