

## Tiered Registration FAQ's

### **1. What is tiered registration?**

Prior to January 1, 2021, California required individuals convicted of registrable sexual offenses to register with the local law enforcement agency for their lifetime. In 2017, Senate Bill (SB) 384 passed, and began the process of changing lifetime registration to a three tiered system. This means, that depending on several factors, including type of offense, risk scores and other criteria (included in the Sex Offender Registration Act (Pen. Code, §§ 290-290.024.) – the Penal Code sections that define and govern registered sex offenders), adults, who meet registration requirements, may be required to register for 10 years (Tier One), 20 years (Tier 2), or lifetime (Tier 3); and individuals adjudicated for a sexual offense in juvenile court, who meet registration requirements may be required to register for 5 years (Tier One) or 10 years (Tier 2). Some repeat sexual offenders and those at a high risk for committing a new sexual offense are placed in the lifetime tier.

### **2. Is it safe for the community?**

Lifetime registration for all individuals who have committed a sexual offense does not promote community safety. Research tells us that risk for committing a new sexual offense goes down the longer an offender is in the community without any new offenses. After 20 years in the community with no new offenses, even the highest risk sex offender is at a much lower rate to sexually offend again. With more than 100,000 sexual offenders currently registered in the state of California, it is difficult for someone using the Megan's Law website to know which offenders pose the greatest threat to community safety. The transition to a tiered registration system allows for a decrease in the number of offenders on the registry, allowing for a more focused search of individuals.

### **3. When does tiered registration start?**

The new tiered registration system went into effect on January 1, 2021.

### **4. How do you know which tier an individual will be assigned to?**

For individuals currently on the registry, the California Department of Justice (DOJ) will look at all of the factors involved and determine which tier the registrant will be placed on. After January 1, 2021, the registrant can request a tiered notification letter, which will indicate their tier, from the registering agency. An individual may be placed in a "tier-to-be-determined" category, if needed. DOJ is also responsible for tiering individuals convicted after January 1, 2021 of a registrable sex offense beginning on January 1, 2021, the court is responsible for tiering individuals convicted of a non-sex offense but court ordered to register pursuant to Penal Code section 290.006.

**5. Will registrants automatically be removed from the registry?**

No. Tier One and Tier Two registrants will need to petition the superior court in the county where they live after they have met the minimum requirements for petitioning. If the individual is only registering for a juvenile adjudication, the petition is filed in the juvenile court in the county where they live. If the registrant has met the minimum requirements, then they can submit a petition on or after their first birthday following July 1, 2021. Registrants may contact the public defender or a private attorney in the county or jurisdiction of residence for additional legal assistance in filing a petition.

**6. Do registrants need to continue to register today?**

The registrant is required to continue to register until they petition the court and receive the court order that allows them to stop registering.

**7. How is time on the tier calculated?**

Only time in the community counts toward the registrant’s time on the tier. This means that if a registrant is incarcerated for any new offense resulting in conviction, adjudication or revocation of supervision, then that time does not count. For example if a registrant is incarcerated for 1 year, and they were in the 10 year tier, then they would need an additional year in the community before they could petition the court.

**8. Where can I find more information about California’s tiered registration system?**

The California Department of Justice has a detailed [FAQ](https://oag.ca.gov/sites/all/files/agweb/pdfs/csor/registrant-faqs.pdf) posted on their website. <https://oag.ca.gov/sites/all/files/agweb/pdfs/csor/registrant-faqs.pdf>

