

1 DANIEL C. CEDERBORG  
County Counsel – State Bar No. 124260  
2 SCOTT C. HAWKINS  
Deputy County Counsel – State Bar No. 207236  
3 FRESNO COUNTY COUNSEL  
4 2220 Tulare Street, 5th Floor  
Fresno, California 93721  
5 Telephone: (559) 600-3479  
6 Facsimile: (559) 600-3480

7 Attorneys for Real party in interest, COUNTY OF FRESNO

8  
9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**

11 JOHN DOE #1, an individual;  
12 JOHN DOE #2, an individual;  
13 JOHN DOE #3, an individual; and  
JOHN DOE #4, an individual

14 Plaintiffs,

15 vs.

16 ANDREW HALL, in his official capacity  
17 as Chief of the Fresno Police Department;  
18 and MARGARET MIMS, in her official  
19 capacity as Fresno County Sheriff,

20 Defendants.

Case No.: 1:20-cv-00600-NONE-JDP

**RESPONDENTS', (FRESNO COUNTY  
SHERIFF'S OFFICE AND SHERIFF  
MARGARET MIMS, IN HER OFFICIAL  
CAPACITY), OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

**Hearing date: TBD  
Time: TBD  
Courtroom: 4**

**2500 Tulare Street  
Fresno, CA**

22  
23 RESPONDENTS, FRESNO COUNTY SHERIFF'S OFFICE and SHERIFF  
24 MARGARET MIMS (IN HER OFFICIAL CAPACITY), hereby submit the following  
25 Opposition Plaintiffs' Motion For Temporary Restraining Order ("TRO") And Order To  
26 Show Cause Re: Preliminary Injunction.

27

28



1 provide otherwise. (In fact, nothing in the May 8, 2020 Executive Order changes that  
2 fact.) Thus, Plaintiffs have no right to relief under the Act, even taking into consideration  
3 the May 8, 2020 Executive Order, and they identify no other cognizable grounds for  
4 relief.

5 To be clear, Respondent recognizes that these are exceptional times, and that,  
6 consistent with the Governor's stay-at-home orders, it is critically important to reduce  
7 personal contacts during the present emergency. Indeed, the concerns that Plaintiffs  
8 raise in this case apply with equal force to the law enforcement officers who must  
9 process registrations under the Act, and to society at large. That said, and  
10 notwithstanding the numerous and strict modified registration measures Respondent  
11 implemented long before the May 8, 2020 Executive Order, and completely contrary to  
12 Plaintiffs' allegations (see accompanying Declaration of Aaron Horne), the Act imposes  
13 certain requirements for the periodic updates that necessitate that registrants complete  
14 the updates in-person, and the Act does not expressly grant Respondent or the  
15 Department of Justice for that matter, the discretion to alter those statutory  
16 requirements. Therefore, as Plaintiffs cannot succeed on the merits of their claims, the  
17 Court should deny Plaintiffs' Application for a TRO.

## 18 **II. Preliminary Points**

19 Respondent believes the following information is material to the Court's  
20 consideration in this matter such that it should be mentioned upfront.

### 21 **1. Plaintiffs' Alleged Evidence In Support of a TRO is Stale and Moot.**

22 First, this Court should note that Plaintiffs in the instant *Ex Parte* Application for a  
23 TRO, filed their original Complaint on April 28, 2020, and their FAC adding one  
24 additional DOE Plaintiff (#4), on May 4, 2020.<sup>1</sup> Subsequently, and as the only evidence  
25 in support of their TRO in this matter, Plaintiffs, **JOHN DOE# 1 and #4**, filed  
26 declarations dated May 12, 2020, and May 8, 2020, respectively. As to the latter

27 \_\_\_\_\_  
28 <sup>1</sup> ECF no. 5 makes no reference on the pleading itself that it is a FAC. The only difference between it and  
the original Complaint is that the latter pleading includes a JOHN DOE #4 in the Caption and body.

1 Declaration, there are no allegations referring to a time after April 20, 2020. As to the  
2 former, except for a vague reference to “2020” in para. 9, the allegations concerning  
3 Respondent’s registration process are based upon Plaintiff’s previous periodic update  
4 account from a year ago, in May of 2019. As indicated in Plaintiffs’ moving papers,  
5 however, the Governor of California, Gavin Newsome, issued Executive Order N-63-20  
6 on May 8, 2020, providing for the first time ever for the use of discretion (non-mandatory  
7 suggestions) by California Law Enforcement Agencies, including Respondent, as to  
8 certain Registration requirements mandated by the California Sex Offender Registration  
9 Act. (See RJN Ex. “6”).

10 Accordingly, Plaintiffs’ FAC *and* the only evidence before this Court filed in  
11 support of the instant TRO application (including supporting allegations), *pre-date* the  
12 issuance of the Governor’s recent Executive Order on the subject. It follows that  
13 currently, and as it pertains to the application for TRO, there simply is no evidence  
14 before the Court describing Respondent’s *post-Executive Order* registration procedures,  
15 or even that Respondent will not, or is not for that matter, properly implementing any of  
16 the Governor’s May 8, 2020 non-mandatory registration related alternatives as of, or  
17 after, May 8, 2020. As a result of these indisputable facts, Plaintiffs’ claims based upon  
18 allegations related to *pre-May 8, 2020* registration processes employed by Respondent  
19 - even if true (thought they are denied) – are both stale, and *mooted* by the Governor’s  
20 latest order providing for previously non-existent discretion, to include in part, the newly  
21 available “suspension” of the very requirements targeted by Plaintiffs Application for  
22 TRO. These points are discussed further below.

23 **2. A State Court Has Already Considered and Rejected Virtually Identical**  
24 **Claims Recently Filed By Plaintiffs’ Counsel, With Another Pending In**  
25 **The California Supreme Court.**

26 Second, the Court should note that Counsel for Plaintiffs recently filed an action  
27 in Los Angeles Superior Court wherein her Registrant clients assert largely the same  
28 allegations that Plaintiffs raise here, but naming as respondents both the California  
Attorney General as Head of the Dept. of Justice, and the Los Angeles County Sheriff’s

1 Department. (See RJN Ex “1” [Petitioners’ First Amended Petition for Writ of Mandate,  
2 Case No. 20STCV12138, Los Angeles County Superior Court].) As in the instant  
3 matter, Counsel promptly filed an application for a TRO in the LA matter, requesting that  
4 the court enjoin the respondents from requiring *in-person* “periodic” updates during the  
5 present emergency. As seen by a side-by-side comparison, that pleading, as it has in  
6 other matters, serves as the template for Plaintiffs’ Cal. Supreme Court Action, as well  
7 as the instant Federal application.

8 In the LA matter, after full briefing, including the application for a TRO and  
9 memorandum of points and authorities, oppositions by both the Attorney General and  
10 Los Angeles Sheriff, and a reply by Petitioners, the Court denied Petitioners’ request for  
11 a TRO. (RJN, Ex “2” [Order Denying Application for TRO, April 17, 2020].) The court  
12 ruled that Petitioners “have shown no or very little likelihood of success on the merits.”  
13 (*Id.*) It further ruled that “[t]he balance of harms does not tip appreciably in plaintiff’s  
14 favor.” (*Id.*) The case is currently proceeding in that court.

15 Specifically in that action, like here, Petitioners alleged that because of the  
16 coronavirus emergency, persons subject to the Act (registrants) must be allowed to  
17 complete the periodic updates—the annual, 30-day, and 90-day updates described  
18 above—without appearing in-person at a local law enforcement agency. Like the  
19 instant case, Petitioners alleged that the Act “does not require” in-person registration for  
20 the periodic updates, and that the requirement to appear in-person for the updates is  
21 instead a “discretionary” decision imposed by DOJ. (Pet., ¶¶ 1, 33, 38-39, 47).  
22 Petitioners alleged that the decision to require in-person updates during the pandemic  
23 puts registrants, law enforcement, and the public at large at risk (Pet., ¶¶ 39-43), and  
24 that respondent (DOJ) has “abused and continue[s] to abuse” its discretion by requiring  
25 registrants to appear in-person for the periodic updates during the emergency. (*Id.*, ¶¶  
26 5, 54, 56.)

27 Like here, Petitioners claimed that the “equities in this case” demand that DOJ  
28 “suspend[]” the requirement that registrants appear in-person. (*Id.*, ¶ 47.) Petitioners

1 further alleged, like here, that the requirement to appear in-person violates the state and  
2 local stay-at-home orders (id., ¶¶ 1- 2, 39, 52, 56), and that there is no practical reason  
3 to require in-person updates because law enforcement can obtain the required  
4 information through other means, such as by telephone or videoconference apps. (Id.,  
5 ¶¶ 4, 47.)

6 Finally, Petitioners alleged in a single sentence that “[t]he State violates the rights  
7 of individuals when it subjects them to the risk of physical harm and disease during  
8 required interactions with law enforcement” (id., ¶ 53), though they do not explain much  
9 on the point. The Petition included additional allegations seemingly implying that the Act  
10 actually prohibits in-person updates, and (as with the instant Application) that  
11 respondent (DOJ) exceeded its statutory authority by requiring in-person updates. But  
12 the memorandum of points and authorities concedes that the Act, at a minimum,  
13 permits DOJ to require in-person updates, stating “Petitioners do not allege that  
14 Respondents acted unreasonably in interpreting the Act to permit in-person registration  
15 for periodic updates.” Thus, Petitioners alleged only that the Act does not affirmatively  
16 *require* in-person updates, and that, under the present circumstances, DOJ’s decision  
17 not to alter the longstanding procedures to permit remote updates amounted to an  
18 abuse of discretion.

19 There, Petitioners sought a writ of mandate “directing Respondents to cease  
20 requiring in-person registration for the 30-day, 90-day, and annual updates pursuant to  
21 section 290.012 until the threat of COVID-19 ends.” (Pet., ¶ 11 & Prayer for Relief.)  
22 Like here, Petitioners made clear that their claims concern only the three “**periodic**  
23 **updates**”—the annual, 30-day, and 90-day updates described above. (Pet. ¶¶ 1, 11.)  
24 Petitioners there do not claim that registrants must be permitted to complete their initial  
25 registration or other required updates (such as change-of-address or change-of-name  
26 updates) remotely. Petitioners, like here, also do not claim that persons subject to the  
27 Act should be relieved of their obligation to complete the periodic updates altogether,  
28 but only that they should not be required to appear in-person to do so.

1 Finally, on or about April 1, 2020, Counsel, Ms. Janice Bellucci, also filed an  
2 Original Verified Petition for Writ of Mandate/Prohibition in the California Supreme Court  
3 (Case No. S261522) against the same parties and, again, virtually identical to the Los  
4 Angeles filing as well as the instant TRO Application. That Petition is also currently  
5 pending before the California Supreme Court. Counsel for Plaintiff's in the instant  
6 Application is plainly forum-shopping for the relief set forth in the various Applications  
7 and Petitions filed in State Court, one of which has already been considered and  
8 rejected.

9 **3. Plaintiffs' FAC and TRO Application Constitute A Direct Challenge To**  
10 **The State Act, Implicating Notice To The State Attorney General.**<sup>2</sup>

11 As a final preliminary matter, Respondent asserts based upon the only evidence  
12 filed in support of the instant Application, none of which purports to describe  
13 Respondent's registration processes or practices *after* the issuance of Governor  
14 Newsome's May 8, 2020 Executive Order relating to the California's Sex Offender  
15 Registration Act, that Plaintiffs' latest effort can only be construed as a direct challenge  
16 to (the constitutionality/validity of) the Act, to include section 290.012 (Periodic updates).  
17 Accordingly, Respondent requests that the Court consider and grant this request to  
18 invoke the provisions of section 28 U.S.C.A. § 2403, subd. (b), at this time. This  
19 Federal Statute provides that,

20 "In any action, suit, or proceeding in a court of the United States to which  
21 a State or any agency, officer, or employee thereof is not a party, wherein  
22 the constitutionality of any statute of that State affecting the public interest  
23 is drawn in question, the court shall certify such fact to the attorney  
24 general of the State, and shall permit the State to intervene for  
presentation of evidence, if evidence is otherwise admissible in the case,  
and for argument on the question of constitutionality."

25 \_\_\_\_\_  
26 <sup>2</sup> Respondent also contemplates in this short response time whether the State Attorney General, for these  
27 same reasons, including as the Agency responsible for the collection and enforcement of all Registrations  
28 in the State of California, is a necessary party to this proceeding. For reasons related to the extremely  
short notice and time to respond to this matter, and inability to fully review and research this issue,  
Respondent also asks that the Court at least consider this issue.



1 This request is particularly relevant here, where Counsel for Plaintiffs has filed a  
2 number of actions in California Courts where her clients, whether directly or indirectly,  
3 have drawn into question the constitutionality/validity of the certain mandatory in-person  
4 registration requirements under California’s Sex Offender Registration Act, to include  
5 section 290.012. Further question lies, wherein the California Attorney General is  
6 already a party to and litigating in one or more of those essentially identical actions, but  
7 where he is (purposefully) not named in this instant Federal request for relief. Indeed,  
8 Plaintiffs’ instant FAC, as well as their Application for TRO (on their face anyway) at  
9 least purport to assert a direct constitutional challenge to the Act under both the Eighth  
10 and Fourteenth Amendments, despite attempting to couch them as claims against the  
11 “unauthorized and injurious decisions” of Respondent.

12 In addition to and in furtherance of the forgoing preliminary information,  
13 Respondent provides the remaining points in opposition to Plaintiffs’ TRO.

14 **II. Relevant Factual Matters**

15 As stated above, and as it pertains to Plaintiffs’ Application for TRO, there simply  
16 is no evidence before the Court describing Respondent’s *post-Executive Order*  
17 registration procedures, or even that Respondent will not, or is not for that matter,  
18 properly implementing any of the Governor’s May 8, 2020 non-mandatory registration  
19 related alternatives as of, or after, May 8, 2020. In fact, and contrary to Plaintiffs’  
20 declarations related to *pre* May 8, 2020 processes, including the only account from John  
21 DOE #4, based upon an alleged registration encounter over twelve months ago,  
22 Respondent in fact has implemented escalating precautionary measures since March  
23 2020, in keeping with State and Local Health orders. In the interests of time and  
24 brevity, the following is a very short synopsis. Please refer to the Declaration of  
25 Detective Horne (“DAH \_\_\_”) for a complete factual history.

26 **A. Initial COVID-Responsive Registration Process (3/18/2020):**

27 “On 3/18/2020 – Due to the ‘Shelter in Place order,’ FCSO closed the registration  
28 building to registrants, posted a sign in front window that states, ‘LOBBY CLOSED



1 UNTIL FURTHER NOTICE. REGISTRATIONS WILL BE DONE OUTSIDE T, W, TH  
2 9AM – 12NOON.’ We started by using tables outside, allowing ‘social distancing,’ while  
3 still having registrants sign in, provide thumbprint and signature on the forms, and we  
4 still collected forms while wearing gloves and masks.” (DAH, ¶ 3).

5 **B. No-Contact COVID-Responsive Registration Processes (4/7/2020):**

6 “On 4/7/2020 – to the present, due to the extension of the ‘Shelter in Place’  
7 order, FCSO started ‘no contact’ registrations. The building remains closed to  
8 registrants, we removed the tables, taped off both entrances to the raised porch along  
9 the front of the building. We accept no paperwork, Driver’s licenses, I.D.’s, etc. from  
10 registrants and observe at least 6 feet of social distance. We have painted ‘X’s’ on the  
11 ground to indicate the proper positioning. We sign-in registrants and document any  
12 necessary changes. Upon completing the Department of Justice’s (“DOJ’s”) 8102 forms,  
13 in the comments section, we type or hand-write ‘Covid-19 – No signature / fingerprints.  
14 Verbal confirmation of information / requirements.’ We sign & date the forms and  
15 provide the registrant the opportunity to accept a copy. We take a photo of the  
16 registrant from distance of at least 6 feet. All this is conducted while wearing gloves and  
17 some wearing masks. We also maintain accessible hand-sanitizers.” (DAH, ¶ 5).

18 **C. Plaintiff’s Counsel Fully Informed About Pre-May 8, 2020 Registration**  
19 **Processes Prior To Filing Both FAC and Subsequent Application For**  
20 **TRO.**

21 Respondent in fact had detailed communications with Plaintiffs’ counsel in April  
22 2020, fully informing her, as well as Plaintiff John DOE #1, of the current COVID-  
23 responsive registration processes beginning as early as March 2020. These  
24 communications took place *prior to* Counsel filing the instant action and related  
Application or TRO on Plaintiffs’ behalf. See (DAH, ¶¶ 8-20).

25 **D. Based On The True Facts, Respondent Was Implementing “Other**  
26 **Procedures” In Keeping With Health Directives And As Encouraged By**  
27 **The Governor’s May 8, 2020 Executive Order, Long Before It Was**  
28 **Issued.**



1 “discretionary” and “injurious” decision made by DOJ or local law enforcement agencies.  
2 (Id., ¶¶ 1, 3.) It alleges that the “purposes” of the statute could effectively be achieved  
3 through alternate means, such as providing the necessary information over the  
4 telephone or via video conference apps, or by delaying the collection of some  
5 information until the pandemic has ended. (Id., ¶¶ 3, 39.) It alleges that Respondents  
6 have/had the “discretion” to process periodic updates without requiring registrants to  
7 appear in person, and that, given the COVID-19 emergency, Respondents have  
8 “unlawfully refuse[d] to exercise” their “discretion” to permit that result. (Id., ¶¶ 1, 28, 39,  
9 46-47; see also Plaintiffs’ Ex Parte Application (“Ex Parte App.”), p.6 [referring to the  
10 “discretionary in-person registration requirements challenged in this action”].)

11 Plaintiffs’ Ex Parte Application for TRO, however, asserts a different theory. It  
12 appears to argue that the Act actually *prohibits* any requirement that registrants appear  
13 in-person for the periodic updates. Specifically, it contends that the Act expressly  
14 requires in-person registration in some instances, but not for the “periodic” updates at  
15 issue, and therefore, based on canons of construction, Respondents “may not impose”  
16 that requirement. (Ex Parte App. at 1-2, 10-13.) Plaintiffs further assert that they are  
17 entitled to relief because registrants must shelter-in-place under various state and local  
18 directives, and in-person reporting violates those directives and, at least under the  
19 erroneous factual circumstances they assert, puts registrants and all others at risk of  
20 contracting COVID-19. (FAC. ¶¶ 2, 21-22.) In addition, they assert that the periodic  
21 updates are a “comparatively *unimportant* component of the Act” and thus the relief they  
22 seek would “not compromise the purpose or function of the Act.” (Ex Parte App. at 7-8.)

23 Plaintiffs also do not claim that registrants must be permitted to complete their  
24 initial registration or other required updates (such as change-of-address or change-of-  
25 name updates) remotely. Plaintiffs also do not claim that persons subject to the Act  
26 should be relieved of their obligation to complete the periodic updates altogether, but  
27 only that they should not be required to appear in-person to do so.

28

1 Finally, Plaintiffs make clear that their claims concern only the three periodic  
2 updates—the annual, 30-day, and 90-day updates described above. (FAC. ¶¶ I.)  
3 Plaintiffs make a vague and legally unsupported attempt to argue various constitutional  
4 claims under the 14<sup>th</sup> Amendment, including “State Created Danger theory, and an  
5 “Arbitrary and Capricious” theory. Again, their application for TRO, unlike their FAC,  
6 contains no allegations under the Eighth Amendment alleging a theory of cruel and  
7 unusual punishment. Still, Plaintiffs FAC merely analogizes to claims by prisoners,  
8 inmates and civil and immigration detainees, not Sex Offender Registrants. The Court  
9 should also note that Plaintiffs’ Application for TRO and proposed order, only seeks an  
10 Order that: Respondent “shall not require Registrants to appear in-person in order to  
11 complete, process, and transmit to the California Department of Justice periodic  
12 updates or re-registration pursuant to California Penal Code section 290.012.”

13 Based on the May 8, 2020 Executive Order alone, set forth herein below, not  
14 even the Governor of the State of California has *mandated* such a restriction upon Law  
15 Enforcement. Likely this is due to the nature of the law itself, but also *current* directives  
16 by the State Health officials as set forth herein, and related circumstances surrounding  
17 the State’s daily progression to re-opening economic, business and social activities,  
18 including easing the stay at home restrictions.

19 It is also worth noting that Plaintiffs’ FAC is markedly different, and despite  
20 alleging a separate “Third” claim seeking a “declaration of their rights under California  
21 and federal law, as well as a declaration of Defendants’ duties under the Sex Offender  
22 Registration Act, and of the scope of Defendants’ discretion under that Act,” Plaintiffs  
23 prayer for relief contains no such request. Additionally, their First Claim, for violation of  
24 the Due Process Clause of the Fourteenth Amendment, as well as their Second Claim  
25 under the Eight Amendment Cruel and Unusual Punishment theory, respectively, are  
26 based entirely on the Court adopting not only their completely inaccurate and stale  
27 allegations of Respondent’s registration practices as set forth herein, but also their  
28 erroneous “*constructive custody*” theory, claiming at registration, Registrants are subject

1 to impermissible interrogations and are not free to leave. This is facially absurd, and  
2 again, Plaintiffs' prayer for relief is devoid of any related requests.

3 **B. The Sex Offender Registration Act.**

4 Subject only to certain *temporary* exceptions as provided in the Governor's May 8,  
5 2020 Executive Order as discussed further herein, California's Sex Offender Registration  
6 Act (Pen. Code, § 290 et seq.) provides that any individual who is convicted of specified  
7 sex offenses must register with the chief of police or sheriff of the city or county in which  
8 he or she is residing—and also with campus police in certain circumstances—within five  
9 working days of coming into or changing an address within the city or county, and  
10 “thereafter in accordance with the Act.” (*Id.*, § 290, subd. (b).) The registration must  
11 consist of detailed information including fingerprints, a current photograph, the name and  
12 address of the person's employer, license plates, a list of all internet identifiers used by  
13 the person, and several other items. (*Id.*, § 290.015, subds. (a)-(b).)

14 The Act also requires that such persons must update their registration in various  
15 circumstances. For example, a person required to register must notify law enforcement if  
16 the person changes his or her address (*id.*, § 290.013), changes his or her name (*id.*, §  
17 290.014, subd. (a)), or if the person changes an internet identifier (*id.*, § 290.14, subd.  
18 (b)). Of particular relevance here, the Act also requires that persons required to register  
19 must update their registration or re-register on a periodic basis at regular intervals.  
20 Specifically, all persons subject to the Act must update their registration annually. (*Id.*, §  
21 290.012, subd. (a).) In addition, any person who has been adjudicated a sexually violent  
22 predator must update the registration every 90 days. (*Id.*, § 290.012, subd. (b).)

23 Finally, any registrant who is living as a transient in California must update the  
24 registration every 30 days. (*Id.*, §§ 290.012, subds. (c).) As explained below, the Act's  
25 registration procedures require that persons subject to the Act must appear in-person at  
26 a local law enforcement agency and provide detailed information specified by the Act in  
27 order to complete the initial registration and the periodic updates. As required by the Act,  
28 the registration and updates are completed on official forms prepared and administered

1 by DOJ, which, in accordance with the Act, also require registrants to register in-person.  
2 The Act requires that “[w]ithin three days [of the registration], the registering law  
3 enforcement agency or agencies shall forward the statement, fingerprints, photograph,  
4 and vehicle license plate number, if any, to the Department of Justice.” (Pen. Code, §  
5 290.015, subd. (b).) DOJ is also required to maintain an Internet Web site that makes  
6 available information concerning persons who are required to register under the Act. (Id.,  
7 § 290.46.).

8 **C. The May 8, 2020 Executive Order No. N-63-20**

9 In relevant part, the Governor’s May 8, 2020 Executive Order provides the  
10 following concerning the California Sex Offender Registration Act.

11 **“No. 15) Law enforcement agencies are encouraged to adopt telephonic,**  
12 **remote, or other procedures for registration and reporting under the Sex**  
13 **Offender Registration Act that are consistent with State and local public**  
14 **health guidance regarding physical distancing, and to post or publicize**  
15 **such procedures through means calculated to reach any**  
16 **person subject to the Act.**

17 **a) To the extent that a law enforcement agency institutes telephonic,**  
18 **remote, or other procedures to enable physical distancing, all provisions of**  
19 **the Sex Offender Registration Act (Penal Code sections 290 to 290.024,**  
20 **inclusive) and implementing procedures that require persons subject to the**  
21 **Act to appear in person, and all provisions of the Act and**  
22 **implementing procedures that require such persons to provide a signature,**  
23 **fingerprints, and photograph, are suspended for 60 days.**

24 **b) To ensure that lack of technology does not prevent any individual from**  
25 **complying with registration and reporting requirements, law enforcement**  
26 **agencies are encouraged to provide alternative means of registration**  
27 **and reporting, including permitting the physical presence of**  
28 **registrants consistent with State and local public health guidance**  
**regarding physical distancing. The requirement to register and all**  
**other registration and reporting requirements of the Sex Offender**  
**Registration Act remain in place.” [Emphasis Added].**

As issued, the Executive Order issued May 8, 2020 does not “require” Law  
Enforcement to take any action. It merely provides that **to the extent** agencies choose  
to implement suggestions provided for in the Order, that certain requirements, which  
prior to the order Agencies would plainly have been prevented from taking, are

1 suspended for 60 days – thereby allowing for the use of certain limited, and heretofore  
2 non-existent, discretion related to Offender registration requirements. Importantly, and  
3 as acknowledged by Plaintiff’s in their Application, these suggestions, while  
4 encouraged, were not mandated, leaving the Act and all of its requirements intact. As  
5 far as concerns Respondent in this matter, Respondent had implemented numerous  
6 strict COVID-responsive precautions, consistent with State and local Health directives,  
7 as early as March 18, 2020, with even more strict “no-contact” precautions as early as  
8 April 7, 2020 -- All of which were known to Plaintiffs *and* their Counsel *prior to* the filing  
9 of their instant action and related Application for TRO, as further explained herein.

10 For these and other reasons set for in this response, the Court should deny  
11 Plaintiffs request.

#### 12 IV. Legal Arguments

##### 13 A. Standard Re TRO Relief

14 A party seeking a temporary restraining order must establish **(1)** he is likely to  
15 succeed on the merits; **(2)** he is likely to suffer irreparable harm absent preliminary  
16 relief; **(3)** the balance of equities tips in his favor, and **(4)** an injunction is in the public  
17 interest. See *Cross Culture Christian Ctr. v. Newsom*, No. 220CV00832JAMCKD, 2020  
18 WL 2121111, at \*3 (E.D. Cal. May 5, 2020), citing *Winter v. Nat. Res. Def. Council, Inc.*,  
19 555 U.S. 7, 20, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008) [other citation omitted]. In the  
20 Ninth Circuit, courts may also issue temporary restraining orders when there are  
21 “serious questions going to the merits” and a “balance of hardships that tips sharply  
22 towards the plaintiff” so long as the remaining two *Winter* factors are present. [*Id.*,  
23 internal citation omitted]. When applying either test, courts operate with the  
24 understanding that a temporary restraining order, much like a preliminary injunction, is  
25 an “*extraordinary and drastic remedy.*” [*Id.*, internal citation omitted]. “The propriety of a  
26 temporary restraining order, in particular, hinges on a significant threat of irreparable  
27 injury [ ] that must be imminent in nature.” *Id.*, citing *Gish*, No. EDCV 20-755-JGB(KKx),  
28 2020 WL 1979970, at \*3 (April 23, 2020) [Other internal citation omitted].



1           **B. Plaintiffs' Application For A TRO Lacks Merit And They Are Unlikely To**  
2           **Succeed On The Merits.**

3           Here, Plaintiffs are two individuals who have been convicted of sex  
4 offenses who are required to comply with certain reporting requirements under  
5 the Sex Offender Registration Act codified under California Penal Code § 290, et  
6 seq. It should be noted here that both the FAC and TRO application seek a  
7 categorical, across-the-board change to the registration procedures for ALL  
8 registered sex offenders (see the Prayer for Relief, and the proposed order in  
9 support of TRO). There is absolutely no basis for such across-the-board relief,  
10 which would essentially amount to a facial claim, based on the specific  
11 circumstances of two petitioners. For example, not all sex offenders are at-risk  
12 individuals; Plaintiffs cannot and do not describe or show how all (or even most)  
13 sex offenders have been or are being subjected to undue or unreasonable risks,  
14 much less that they will be subjected to risks going forward, particularly after the  
15 Governor's Executive Order altered the legal landscape. Some might not even  
16 need to update their registrations for many months. Plaintiffs clearly fail to state a  
17 facial claim based on such a sparse showing.

18           Otherwise, Plaintiffs are requesting, on an *ex parte* basis, that the Court  
19 prevent Respondents from conducting *periodic* check-ins of sex offenders in-  
20 person pursuant to the Sex Offender Registration Act. The various registration  
21 requirements of the Sex Offender Registration Act, however, are specifically for  
22 the benefit of public safety. As a further preliminary matter, under State law, the  
23 Court should note that an injunction may not be granted "to prevent the execution  
24 of a public statute by officers of the law for the public benefit." Cal. Civ. Pro.  
25 §526(b)(4); §3424(d). Perhaps this is also why Plaintiff chose this specific Federal  
26 forum. Further, it is simply not true that Respondent (or any other Governmental  
27 entity or actor) is violating State or local Health Orders, or State law (to include the  
28 Sex Offender Registration Act) by continuing to conduct essential law

1 enforcement/governmental services such as critical and public safety services like  
2 Sex Offender Registrations. Moreover, nothing in the alleged stay at home orders  
3 limits peace officers from enforcing the law, including complying with the  
4 requirements of the Sex Offender Registration Act. Yet, that is precisely what  
5 Plaintiffs are seeking to do in their FAC and corresponding *ex parte* Application.  
6 As explained herein, Plaintiffs' claims lack merit and they are not likely to meet the  
7 burden required for an order halting these services.

8 Finally, because Respondent was mandated - until issuance of the  
9 Governor's May 8, 2020 Executive Order - to conduct the periodic check-ins in-  
10 person, the pending Application for TRO and alleged supporting "pre-May 8, 2020"  
11 evidence simply does not satisfy the Plaintiffs burden regarding the merits of their  
12 claims (particularly at present) sufficient for the Court to grant their requests.  
13 Accordingly, and for each and all of the reasons explained herein, Plaintiffs are not  
14 likely to succeed on the merits of their Petition and, as such, the Court should reject  
15 the Application for a TRO.

16 **C. Plaintiffs' Evidence In Support of a TRO Is Stale and Moot.**

17 The Governor's May 8, 2020 Executive Order suspending certain Registration  
18 requirements, completely changed the landscape of The Sex Offender Registration  
19 Act as it existed on May 7, 2020. As indicated previously in this response, Plaintiffs  
20 have put no evidence before this Court describing Respondent's *post*-Executive  
21 Order registration procedures, or even that Respondent will not, or is not for that  
22 matter, properly implementing any of the Governor's May 8, 2020 non-mandatory  
23 registration related alternatives as of, or after, May 8, 2020.

24 As indicated above, as a result of the indisputable facts regarding  
25 Respondent's COVID-responsive registration processes, Plaintiffs' claims based  
26 upon stale allegations related to Respondent's *pre*-May 8, 2020 registration  
27 processes - even if true (thought they are denied) - are *mooted* by the Governor's  
28 latest order providing for previously non-existent discretion, to include in part, the

1 newly available “suspension” of the very requirements targeted by Plaintiffs  
 2 Application for TRO, and their claims are simply no longer ripe for consideration by  
 3 the Court. See *United States v. State Water Res. Control Bd.*, 418 F. Supp. 3d 496,  
 4 519 (E.D. Cal. 2019), citing *Bova v. City of Medford*, 564 F.3d 1093, 1096 (9th Cir.  
 5 2009) (quoting *Texas v. United States*, 523 U.S. 296, 300, 118 S.Ct. 1257, 140  
 6 L.Ed.2d 406 (1998)) [A “claim is not ripe for adjudication if it rests upon contingent  
 7 future events that may not occur as anticipated, or indeed may not occur at all.”].  
 8 “Where a dispute hangs on future contingencies that may or may not occur, it may  
 9 be too impermissibly speculative to present a justiciable controversy.” *Id.*, citing  
 10 *Davis v. Guam*, 785 F.3d 1311, 1318 (9th Cir. 2015) (internal quotation marks and  
 11 citations omitted). “[A] case is moot when the issues are no longer ‘live’ or the  
 12 parties lack a legally cognizable interest in the outcome.” See *Campos v. Fresno*  
 13 *Deputy Sheriff’s Ass’n*, No. 1:18-CV-1660 AWI EPG, 2020 WL 949915, at \*5 (E.D.  
 14 Cal. Feb. 27, 2020), citing *Powell v. McCormack*, 395 U.S. 486, 496, 89 S.Ct. 1944,  
 15 23 L.Ed.2d 491 (1969); and *Pitts v. Terrible Herbst, Inc.*, 653 F.3d 1081, 1086 (9th  
 16 Cir. 2011). That is, if events subsequent to the filing of the case resolve the parties’  
 17 dispute, the court must dismiss the case as moot. *Pitts*, 653 F.3d at 1087. “The basic  
 18 question in determining mootness is whether there is a present controversy as to  
 19 which effective relief can be granted.” *Campos, supra*.

20 **D. Plaintiffs’ Claims That Respondent Is Violating Government Stay-**  
 21 **At-Home Orders Or That They Preclude In-Person Sex Offender**  
 22 **Registration, Are False.**

23 Nothing in the alleged stay at home orders referenced by Plaintiffs limits  
 24 peace officers from enforcing the law, including complying with the requirements  
 25 of the Sex Offender Registration Act. In fact, the official State of California  
 26 “COVID19.CA.GOV” website as of the submission of this response, specifically  
 27 states that the “*The Governor has ordered Californians to obey the directives of the*  
 28 *State Public Health Officer. Those directives take many forms; they include specific*  
*materials linked on this page, as well as these questions and answers. These*

1 *questions and answers are directives from the State Public Health Officer, and have*  
2 *the same force and effect as other State Public Health Officer directives.” (See RJN*  
3 *Ex “7”). The Governor also confirms here that “As of May 8, the stay home order*  
4 *was modified. We are now in the first phase of Stage 2. This means in addition to*  
5 *essential activity, curbside retail is allowed, along with the infrastructure to support it.*  
6 *As of May 12, offices, limited services, and outdoor museums are also permitted to*  
7 *open.” He also confirms that “as described in more detail elsewhere in applicable*  
8 *state public health directives (including on this page), there are a wide range of*  
9 *circumstances in which you may leave your home or other place of residence, even*  
10 *if you are not an Essential Critical Infrastructure Worker.” He confirms that people*  
11 *may leave their homes to conduct business with “Essential services that protect*  
12 *public health, public safety, and provide essential needs, and that these services will*  
13 *remain open.” He confirms that these expressly include “Gas stations, Pharmacies,*  
14 *Food and Grocery stores, farmers markets, food banks, convenience stores, take-*  
15 *out and delivery restaurants, Banks, Laundromats/laundry services.” He then*  
16 *confirms that “****Essential state and local government functions will also remain***  
17 ***open, including law enforcement and offices that provide government***  
18 ***programs and services.***” This even includes for example, with certain exceptions,  
19 visits to the DMV.

20 Based on the facts as set forth in the Declaration of Detective Aaron Horne,  
21 Plaintiffs allegations about Respondents *pre*-May 8, 2020 registration processes are  
22 without merit. Plaintiffs failed to submit evidence of any *post* May 8, 2020  
23 registration processes and therefore their instant claims are moot and completely  
24 without merit.

25 **E. The Registration Requirements Of The Sex Offender**  
26 **Registration Act Are For The Public Benefit And Safety.**

27 Notwithstanding the forgoing points defeating the instant request for a TRO,  
28 most notably those related to the May 8, 2020 Executive Order and the state of the

1 evidence in this matter, the Sex Offender Registration Act, codified at California  
2 Penal Code §290, et. seq., Registration serves a critical function for the public's  
3 benefit. In implementing the Act the "Legislature finds and declares that a  
4 comprehensive system of risk assessment, supervision, monitoring and containment  
5 for registered sex offenders residing in California communities is necessary to  
6 enhance public safety and reduce the risk of recidivism posed by these offenders."  
7 Cal. Pen. Code §290.03(a). Specifically, "sex offenders pose a potentially high risk  
8 of committing further sex offenses after release from incarceration or commitment,  
9 and the protection of the public from reoffending by these offenders is a paramount  
10 public interest." Cal. Pen. Code §290.03(a)(l ) (emphasis added).

11 Prior to May 8, 2020, in other words, as far as Plaintiffs' Application is  
12 concerned, the Sex Offender Registration Act requires, among other things, periodic  
13 check-ins by sex offenders subject to the requirements of the Act. Pursuant to the  
14 Sex Offender Registration Act, the California Department of Justice has distributed  
15 forms to law enforcement agencies specifying the various compliance measures  
16 required by sex offenders. These include, as acknowledged by Petitioners, the  
17 requirement that sex offenders register with their local law enforcement authorities,  
18 in person, periodically. (See, RJN Ex "1", First Amended Petition for Writ of Mandate  
19 at 11:9-15 and Exhibit "2," Order, attached thereto at pp. 3-4, 6-7, 9 and 12.)

20 Plaintiffs have not cited any cases that have held that sex offenders are not  
21 required to periodically check in with their local law enforcement agencies, in person,  
22 on a periodic basis. To the contrary, courts have already acknowledged that the  
23 periodic registration requirements are to specifically be in-person and the  
24 requirement to have to periodically register in-person is constitutional and does not  
25 violate any fundamental rights. See, e.g., *Litman v. Harris*, 768 F.3d 1237, 1241 (9th  
26 Cir. 2014). See also *Does 1-134 v. Wasden*, No. 1:16-CV-00429-DCN, 2019 WL  
27 1508037, at \*6 (D. Idaho Apr. 5, 2019) [Plaintiffs also highlight burdensome in-  
28 person registration requirements every three months or upon travel. However, the

1 Ninth Circuit has expressly rejected the contention that such requirements constitute  
2 an affirmative disability], citing *American Civil Liberties Union v. Masto*, 670 F.3d  
3 1046, 1057 (9th Cir. 2012), citing *Smith v. Doe*, 538 U.S. 84 (2003). See  
4 *Richardson v. Becerra*, No. 217CV01838JAMACPS, 2019 WL 397487, at \*3 (E.D.  
5 Cal. Jan. 31, 2019) [With respect to a substantive due process claim, rational basis  
6 review requires a challenged statute to bear only a “reasonable relation to a  
7 legitimate state interest.” The Ninth Circuit has repeatedly found that sex offender  
8 registration and notification provisions are rationally related to legitimate government  
9 purposes, .. and Sex offenders are not a protected class, and the Ninth Circuit has  
10 held that sex offenders do not have a fundamental right to be free from registration  
11 requirements. Accordingly, rational basis review applies. Further, this Court rejected  
12 sex offenders allegation of a violation of the right to be free from unreasonable,  
13 arbitrary, and oppressive official action (ECF No. 1 at 39-48), is merely a reiteration  
14 of plaintiff’s substantive due process claim]. *Id.*

15 Consistent with the purpose of the Sex Offender Registration Act as well as  
16 both the California Department of Justice's and the Ninth Circuit's interpretation of  
17 the Sex Offender Registration Act to require periodic in-person check-ins, courts in  
18 California have repeatedly acknowledged that the "purpose of section 290 is to  
19 assure that persons convicted of the crimes enumerated therein shall be readily  
20 available for police surveillance at all times because the Legislature deemed them  
21 likely to commit similar offenses in the future, *People v. Brandao*, 203 Cal. App. 4th  
22 436, 441 (2012) (emphasis added); see also, e.g., *Good v. Superior Court* (2008)  
23 158 Cal.App.4th 1494, 1509 " the legislature has found and declared that sex  
24 offenders pose a high risk of recidivism, and keeping track of their whereabouts is  
25 necessary to protect the public." See also *People v. Barker*, 34 Cal.4th 345 (2004);  
26 *People v. Britt*, 32 Cal.4th 944 (2004); *People v. Meeks*, 123 Cal.App.4th 695 (2004);  
27 *People v. Jones*, 101 Cal.App.4th 220 (2002); *People v. Davis*, 102 Cal.App.4th 377  
28 (2002).

1 As the California Supreme Court has emphasized, "[p]lainly, the Legislature  
2 perceives that sex offenders pose a 'continuing threat to society'" *Wright v. Superior*  
3 *Court*, 15 Cal. 4th 521, 527 (1997) (quoting *United States v. Bailey*, 444 U.S. 394,  
4 413 (1980).) In fact, a failure to comply with the reporting requirements is a felony  
5 under California law. *People v. Sarden*, 36 Cal.4th 65, 113 (2005). On May 11,  
6 2020, the Orange County Register reported, "A half dozen sex offenders whose  
7 early release from local lockup for parole violations are back behind bars after  
8 authorities allege they once again broke the terms of their release." Orange County  
9 District Attorney, Todd Spitzer, reported "It comes as no surprise that these high-risk  
10 sex offenders continue to violate the law and do everything they can to avoid being  
11 tracked by law enforcement." "According to the DA's office, most of the six accused  
12 of violating parole after their release either failed to adhere to their supervision or  
13 rendered their GPS units inoperable. As of Monday they remained behind bars, local  
14 jail records show." (<https://www.ocregister.com/2020/05/11/six-sex-offenders-whose-early-release-was-criticized-by-orange-county-da-are-arrested-again/>).

16 Further, at all times Respondent has simply enforced the law as required by  
17 the California Department of Justice. As such, the conduct at issue (conducting  
18 periodic in-person check-ins under the Sex Offender Registration Act) was not, prior  
19 to May 8, 2020, discretionary, and as such, there can be no unlawful decision based  
20 on alleged discretion that did not exist. Because the relief presently being sought by  
21 Plaintiffs would both frustrate and prevent the proper enforcement of Penal Code §  
22 290, et seq., by Respondent, which is both for the public safety and benefit, the  
23 Court should deny the instant Application, on this basis alone.

24  
25  
26  
27  
28



1           **F. Plaintiffs' Application For A TRO Is A Direct Challenge To The**  
2           **Constitutionality/Validity Of California's Sex Offender Registration Act,**  
3           **And Implicates Notice To And Involvement Of The State Attorney**  
4           **General of California.**

5           Plaintiffs have attempted to couch their obvious challenge to the Registration Act  
6           itself and request for a TRO, as a "*challenge to the unauthorized and injurious decision*  
7           *by Defendant to require persons required to register a sex offender ("Registrants") who*  
8           *are vulnerable to COVID-19 to leave the safety of their homes in order and to appear in-*  
9           *person at local registering agencies such as the FCSO for their 30-day, 90-day, or*  
10           *annual registration updates pursuant to Section 290.012 of the Act (hereinafter,*  
11           *"periodic updates").* Despite this effort to avoid the appearance and associated  
12           challenges and burden of directly attacking a California State legislative act, the  
13           evidence in support of Plaintiffs TRO shows they are doing just that.

14           As stated above, given that all of the evidence in support of the TRO *pre-dates*  
15           the Governor's May 8, 2020 Executive Order expressly suspending the in-person and  
16           other Registration mandates of the Act, Plaintiffs' Application can only be construed as  
17           a direct challenge to the Act itself, and not any "decisions" by Respondent related to  
18           following its mandates, which of course prior to the Executive Order remained in full  
19           force and effect. Moreover, Plaintiffs' acknowledge as much recognizing that the State  
20           Department of Justice is responsible for the creation of the State forms mandating the  
21           specific actions and information required by State law enforcement agencies to report  
22           the registrations of Sex Offenders under the Act: "*Pursuant to the Act, Registrants*  
23           *appearing for their annual update "shall provide current information as required on the*  
24           *Department of Justice annual update form, including the information described in*  
25           *paragraphs (1) to (4), inclusive, of subdivision (a) of Section 290.015." Cal. Penal Code*  
26           *§ 290.012(a).*" These forms include CA DOJ 20-07-CJIS – Information Bulletin Form re  
27           EO N-63-20; CA DOJ CJIS 8047 – Notice of Sex Offender Notice Requirement; CA  
28           DOJ CJIS 8102S – Sex Offender Registration Change Of Address / Annual Or Other  
          Update. (See RJN Ex "3-5").

1 Further evidence supporting Respondent's *pre* Executive Order obligations is  
2 found in the Official Guidance to State Law Enforcement Agencies relative to the  
3 implementation of the Governor's Executive Order setting forth the non-mandatory  
4 suggestions for modification of the State Registration mandates. (See RJN Ex "3").  
5 (See DAH ¶¶ 5, 27-29). Based on the foregoing, and despite the labels or veiled effort  
6 to point the finger at Respondent, Plaintiffs are plainly not challenging a decision by  
7 Respondent, but the constitutionality and validity of the Registration Act itself.

8 As such, this Court should consider invoking at this early stage the requirement  
9 of Notice to the State Attorney General of California pursuant to section 28 U.S.C.A. §  
10 2403, subd. (b), as requested above. This would allow the State to intervene and weigh  
11 in on this challenge to an important State law effecting surely the public's interest.  
12 Plaintiffs' Counsel has made a strategic decision, for reasons left only to speculation,  
13 not to include the State Attorney General of California in this matter directly challenging  
14 the Registration Act, which is all the more suspect given that Counsel is currently  
15 litigating virtually identical case against the State and is fully aware of its interests in her  
16 Registrant clients' challenges. Respondents further submit the State is, therefore, a  
17 necessary party, including due to the alleged statutory interpretations proffered by  
18 Plaintiffs in this and other the matters filed by Counsel throughout the State, the  
19 (additional) constitutional infirmities as claimed in the instant matter, as well as the  
20 nature of the relief demanded.

21 **G. The Statutory Scheme Requires That "Periodic Updates" Occur In-**  
22 **Person.**

23 Putting aside the current state of affairs resulting from the Governor's latest  
24 Executive Order, and whether Petitioner's claim is that the Act actually prohibits in-  
25 person periodic updates, or instead that the decision to require in-person updates is an  
26 abuse of discretion, the claim cannot succeed because the relevant statutes as  
27 discussed herein below, not only permit Respondents to establish procedures requiring  
28 in-person updates, but require that result. Respondent in fact lacks the discretion to

1 provide otherwise. (In fact, nothing in the May 8, 2020 Executive Order changes that  
2 fact.) Thus, Plaintiffs have no right to relief under the Act, even taking into consideration  
3 the May 8, 2020 Executive Order, and they identify no other cognizable grounds for  
4 relief.

5 Penal Code section 290.012 governs the periodic updates. Subdivision (a), which  
6 governs the annual updates, states that “[a]t the annual update, the person shall provide  
7 current information as required on the Department of Justice annual update form,  
8 including the information described in paragraphs (1) to (4), inclusive, of subdivision (a)  
9 of Section 290.015.” (Pen. Code, § 290.012, subd. (a), italics added.) For the 30-day  
10 update, the Act also requires that the registrant “shall” provide the information in  
11 “paragraphs (1) to (3), inclusive, of subdivision (a) of Section 290.015.” (Id., §§ 290.015  
12 subd. (c); 290.011, subd. (c).) Therefore, the Act expressly requires that the periodic  
13 updates include the information in section 290.015, subdivisions (a)(1) through (a)(3).<sup>3</sup>  
14 Section 290.015, subdivision (a)(1), states that the person registering must provide “[a]  
15 statement in writing signed by the person, giving information as shall be required by the  
16 Department of Justice. . . .” (Id., § 290.015(a)(1), italics added.) Plaintiffs do not explain  
17 how a registrant can provide a statement “in writing,” “signed by the [registrant],” over  
18 the telephone or insist that the Act does not require in-person registration for the  
19 conferencing app, much less how the Act purportedly requires such a result.

20 Section 290.015, subdivision (a)(2), further states that the periodic updates must  
21 include “[t]he fingerprints and a current photograph of the person taken by the  
22 registering official.” (Id., § 290.015(a)(2).) Fingerprints cannot be taken remotely.

---

23  
24 <sup>3</sup> While the Act does not expressly impose those requirements for the 90-day updates  
25 required of sexually violent predators, and instead states only that the 90-day update shall  
26 occur “in a manner established by the Department of Justice” (see *id.*, § 290.012, subd. (b)),  
27 certainly the statute should not be construed as imposing lesser requirements for these  
28 offenders, who are among the most dangerous and have been found to pose a particularly  
high risk of recidivism. Regardless, Plaintiffs lack standing to challenge this requirement,  
since the Complaint does not allege that any of the Plaintiffs are sexually violent predators  
subject to this requirement.

1 Instead, fingerprints must be taken by qualified law enforcement or a certified fingerprint  
2 roller, with specialized equipment. (See, e.g., Pen. Code, § 11102.1, 13000; 11 Code  
3 Regs. § 994.1 et seq.) Therefore, the fingerprinting requirement necessitates that  
4 registrants appear in person. Similarly, the statutory requirement that the periodic  
5 updates include “a current photograph of the person taken by the registering official”  
6 (id., § 290.015(a)(2)) also plainly contemplates in-person registration.

7 Apart from these express requirements, the Act grants DOJ broad discretion over  
8 the registration process, and certainly does not prohibit DOJ from requiring in-person  
9 updates as Plaintiffs allege. For example, for the initial registration as well as the annual  
10 and 30-day updates, the Act states that the registrant shall provide a statement in  
11 writing “giving information as shall be required by the Department of Justice,” including  
12 specified information. (Pen. Code, § 290.015(a)(1), italics added.) For the annual and  
13 the 30-day updates, the Act also states that the Registrant shall provide “current  
14 information as required on the Department of Justice annual update form.” (Id., §§  
15 290.012, subds. (a), (c); 290.011, subd. (c).) For the 90-day update, the Act states that  
16 the registrant shall provide certain information “in a manner established by the  
17 Department of Justice.” (Id., § 290.012, subd. (b).) The Act certainly never states that  
18 the periodic updates cannot occur in person, as Plaintiffs assert, and this broad  
19 discretion that it grants to DOJ over the process further belies any such claim.

20 In sum, the Act includes certain express statutory requirements that by necessity  
21 require persons subject to the Act to appear in-person for the periodic updates. Apart  
22 from those express requirements, the Act grants DOJ broad discretion over the  
23 procedures for the periodic updates. The Act plainly does not prohibit in-person  
24 updates, as Plaintiffs appear to argue.<sup>4</sup> These points are strongly reinforced by the

25 \_\_\_\_\_  
26 <sup>4</sup> The Act states that a person subject to the Act “shall be required to register annually,  
27 *within five working days* of his or her birthday, to update his or her registration,” and that  
28 this update “shall” include the information described above. (Pen. Code, § 290.012,  
subd. (a), italics added.) Similarly, the Act states that a person required to complete the  
90-day update “shall” do so “no less than once every 90 days,” and, for the 30-day  
update, that the person “shall update his or her registration at least every 30 days.” (Id.,  
§ 290.012, subd. (b), (c).)

1 fact that the Governor’s May 8, 2020 Executive Order, while temporarily suspending  
2 certain of the above-mentioned requirements, did not eliminate them, and did not  
3 *mandate* that law enforcement agencies implement the suggestions. Plaintiffs  
4 acknowledge as much by stating: “For registering agencies that authorized remote  
5 registration, ‘all provisions of the Act and implementing procedures that require such  
6 persons to provide a signature, fingerprints, and photograph, are suspended for 60  
7 days.’ In other words, the Act does not require Defendant to mandate in-person  
8 registration during the COVID-19 pandemic.” [Memo P&A at pg.11:1].

9 **H. Plaintiffs’ Claim that the Act “Does Not Authorize” Respondents to**  
10 **Require In-Person Periodic Updates Lacks Merit.**

11 Plaintiffs’ argument that DOJ “may not impose” a requirement that registrants  
12 appear in-person for the periodic updates, and that DOJ “exceeds [its] authority” by  
13 imposing the requirement (Ex Parte App. at 10-13), contradicts the statute and fails as a  
14 matter of law. As set forth above, the Act clearly contemplates and authorizes the long-  
15 standing procedures requiring registrants to appear in-person for the updates, and  
16 indeed it prescribes certain requirements that can only, as a practical matter, be  
17 completed in person. (Supra, pp. 9-11.) Plaintiffs do not purport to identify any  
18 provision of the Act that directly requires the result they urge. Nor do they (or can they)  
19 cite any judicial authority construing the statute as they urge. Rather, they ask the Court  
20 to imply a rule prohibiting in-person updates based on a canon of construction.

21 Specifically, Plaintiffs rely on the canon providing that where the Legislature  
22 includes a phrase in one provision of a statute and omits it in another provision, courts  
23 presume that the Legislature did not intend the phrase to be included in the second  
24 provision. (Ex Parte App., pp. 10-12.) This canon of construction, however, cannot  
25 supplant the terms and clear intent of the provisions at issue, which, as explained  
26 above, clearly contemplate and, as a practical matter, require in-person periodic  
27 updates. (*Estate of Griswold* (2001) 25 Cal.4th 904, 911 [to determine the meaning of a  
28 statutory provision, courts “begin by examining the statutory language”]; *Medical Bd. of*

1 *Cal. v. Sup. Ct.* (2001) 88 Cal.App.4th 1001, 1013 [“[The canons] are tools to assist in  
 2 interpretation, not the formula that always determines it. A court must be careful lest  
 3 invocation of a canon cause it to lose sight of its objective to ascertain the Legislature’s  
 4 intent”], internal quotations and citation omitted.) The cases that Plaintiffs cite regarding  
 5 this canon involved entirely different statutory schemes and are irrelevant here. (See Ex  
 6 Parte App, citing *Walt Disney Parks & Resorts v. Sup. Ct.* (2018) 21 Cal.App.5th 872;  
 7 *Wilson v. City of Laguna Beach* (1992) 6 Cal.App.4th 543; *Ford Motor Co. v. Cty. of*  
 8 *Tulare* (1983) 145 Cal.App.3d 688.)<sup>5</sup>

9 In fact, while the Act specifically states that some registration steps must occur in  
 10 person, it also expressly states that other registration steps (ones also not at issue here)  
 11 should occur remotely, by mail. (Pen. Code, §§ 290.013, subd. (b); 290.014, subd. (b).)  
 12 Therefore, by Plaintiffs’ logic, this canon of construction also could support precisely the  
 13 opposite outcome of that urged by Plaintiffs—that is, one could equally argue that when  
 14 the Legislature intended to permit remote updates, it expressed that intent in the Act.  
 15 Plainly, this canon of construction sheds no light on the issues here.

16 As further explained herein, Plaintiffs cite the State and local stay-at-home orders  
 17 in support of their theory, but the orders create no legal rights and do not *preclude*  
 18 registrants from traveling to a local law enforcement agency for periodic updates. (The  
 19 States order also specifically provides that “[t]his Order is not intended to, and does not,  
 20 create any rights or benefits, substantive or procedural, enforceable at law or in equity,

21 \_\_\_\_\_  
 22 <sup>5</sup> Plaintiffs place significant weight on *Wilson v. City of Laguna Beach* (Ex Parte App. at 12), but that case  
 23 actually cuts against them. The court there refused to imply a parking requirement in the “granny flat”  
 24 statute that was not expressly stated. (Wilson, supra, Cal.App.4th at p. 555.) Here, it is Plaintiffs who are  
 25 asking the court to imply statutory terms that are not expressly stated in the relevant statutes, i.e., terms  
 26 that would require or permit registrants to complete their periodic updates by phone, email, or otherwise  
 27 remotely. Further the legislative history of the “granny flat” statute indicated that early versions of the bill  
 28 included a parking requirement, but that the Legislature removed it in response to testimony against it,  
 and that some local governments vigorously opposed the bill after it was amended “precisely because” it  
 was removed. (Id. at p. 556.) Plaintiffs identify no comparable legislative history here. And finally, implying  
 a parking requirement would have rendered other express terms in the “granny flat” statute meaningless,  
 which was the “clincher.” (Ibid.) Here, requiring in-person periodic updates is the only way reasonably to  
 interpret the statutory requirements, including that registrants provide fingerprints and a current  
 photograph taken by the local law enforcement agency. It is Plaintiffs’ construction that would render  
 parts of the Act meaningless.



1 against the State of California, its agencies, departments, entities, officers, or any other  
2 person.” (See Executive Order N-33-20, [https://www.gov.ca.gov/2020/03/19/governor-  
3 gavin-newsom-issues-stay-at-home-order/](https://www.gov.ca.gov/2020/03/19/governor-gavin-newsom-issues-stay-at-home-order/).)

4 Finally, looking at Plaintiffs’ FAC, they allege in a single sentence that “[t]he State  
5 violates the rights of individuals when it subjects them to risk of physical harm and  
6 disease during required interactions with law enforcement.” and cites *Helling v.*  
7 *McKinney* (1993) 509 U.S. 25. (FAC.¶ 36.) The FAC does not explain much on the  
8 point, and Plaintiffs make no such claim in their Ex Parte Application. Regardless,  
9 *Helling v. McKinney*, like the other cases cited by Plaintiffs on this point, is irrelevant  
10 here. It addressed completely different circumstances—the Eighth Amendment rights of  
11 prison inmates—and did not consider any of the issues here. (Cf., *In re Alva* (2004) 33  
12 Cal.4th 254 [upholding the Act’s registration requirements against challenge under the  
13 Eighth Amendment and analogous state provision].) Respondent further addresses the  
14 issue if harm below.

15 For these reasons, Plaintiffs’ arguments that the Act “does not authorize” in-  
16 person periodic updates and that Respondent “exceed[ed] [its] authority” also lack merit  
17 and must be rejected.

18 **I. Plaintiffs’ Remaining Claims Lack Merit.**

19 Plaintiffs raise essentially two additional arguments in support of their  
20 Application, but both lack merit and cannot justify entry of a TRO. First, Plaintiffs argue  
21 that registrants will be harmed absent a TRO and that the balance of equities and Public  
22 Interest allegedly favor a TRO, citing several cases involving injunctive relief. Those  
23 cases cannot aid Plaintiffs here, however, because in each of those cases, the Plaintiffs  
24 had established a likelihood or at least some possibility of success on the merits. Here,  
25 as explained, Plaintiffs cannot succeed on the merits of their claims. Plaintiffs cite no  
26 authority indicating that injunctive relief can be entered in such circumstances, and it  
27 cannot as a matter of law. Furthermore, the circumstances of those cases bear no  
28 resemblance to the circumstances here—many of those cases involved the Eighth



1 Amendment or analogous due process rights of individuals held in prisons or detention  
2 facilities, circumstances that are irrelevant here. As explained above, many individuals  
3 are permitted or required to leave their homes for various essential purposes and  
4 functions during the stay-at-home order.

5 The fact remains, Plaintiffs must first show a “probability of irreparable harm” if  
6 relief is not granted. The risk of irreparable harm must be “likely, not just possible.”  
7 *Perez v. Wolf*, No. 5:19-CV-05191-EJD, 2020 WL 1865303, at \*12 (N.D. Cal. Apr. 14,  
8 2020) [a case involving a confined civil detainee]; see also *Herb Reed Enters., LLC v.*  
9 *Fla. Entm’t Mgmt., Inc.*, 736 F.3d 1239, 1250 (9th Cir. 2013) (stating that conclusory or  
10 speculative allegations are not enough to establish a likelihood of irreparable harm); see  
11 also *Martinez Franco v. Jennings*, No. 20-CV-02474-CRB, 2020 WL 1976423, at \*4  
12 (N.D. Cal. Apr. 24, 2020) [If the Constitution requires appropriate social distancing for  
13 civil detainees, that result should be achieved with an injunction ordering social  
14 distancing in detention facilities, not releasing detainees who request a TRO on a first-  
15 come, first-serve basis, citing *Dawson*, 2020 WL 1304557, at \*2 (“[E]ven if Plaintiffs  
16 could show a [due process] Fifth Amendment violation, Plaintiffs provide no authority  
17 under which such a violation would justify immediate release, as opposed to injunctive  
18 relief that would leave Plaintiffs detained while ameliorating any alleged violative  
19 conditions within the facility.”). See also *Habibi v. Barr*, No. 20-CV-00618-BAS-RBB,  
20 2020 WL 1864642, at \*6 (S.D. Cal. Apr. 14, 2020) [Because Petitioner has not  
21 established a likelihood of success on the merits of his due process claims, there is no  
22 public interest related to the prevention of continuing constitutional injuries].

23 As shown above for reasons of public safety interests, and in the Declaration of  
24 Detective Aaron Horne for Respondent, the balance of equities and public interest do  
25 not favor a Plaintiffs’ proposed Federal Court TRO related to this purely State law  
26 matter. Plaintiff’s allegations of expected, or feared, or anticipated harm are based  
27 entirely on both outdated and false allegations. They have placed no evidence before  
28 the Court describing the current (or even post-March 2020) processes at Respondent’s

1 outdoor facility as detailed by Detective Horne, despite Detective Horne's having fully  
2 explained the same to Plaintiffs' counsel in April 2020. In any event, neither the State  
3 nor Respondent has required registrants to violate their legal obligations under the Act.  
4 Furthermore, while it is important to reduce personal contacts as much as possible  
5 during these exceptional times, it is also important that the information in California's  
6 Sex Offender Registry remain as accurate and up-to-date as possible. Plaintiffs cannot  
7 establish that individuals convicted of sex offenses have a unique legal right to  
8 disregard the Act's requirements.

9 Lastly, Plaintiffs argue that the periodic updates are of "diminished importance"  
10 under the Act. (Ex Parte App. at 8, 14.) This argument also lacks merit and Plaintiffs  
11 cite no authority for the proposition. Plaintiffs identify no authority remotely suggesting  
12 that they (or the Court), can independently evaluate the supposed need or utility of legal  
13 requirements in statutes duly enacted by the Legislature and disregard ones they deem  
14 less important. They plainly cannot under California law. (See, e.g., *Bautista v. State of*  
15 *California* (2011) 201 Cal.App.4th 716, 733 ["The judiciary, in reviewing statutes  
16 enacted by the Legislature, may not undertake to evaluate the wisdom of the policies  
17 embodied in such legislation"].) Therefore, Plaintiffs have failed to establish a likelihood  
18 of harm by appearing at the Fresno parking facility for a brief, no contact, social  
19 distancing registration process, or to otherwise identify and justify any cognizable  
20 grounds for entry of a TRO.

21 **J. Extraordinary Relief From This Court Is Unwarranted Because Virtually**  
22 **Identical Claims Are Proceeding In The State Superior Court.**

23 Finally, Plaintiffs apparently believe the issues cannot be resolved in the State  
24 Courts, despite having successfully filed an action in Los Angeles Superior Court, as  
25 well as the California Supreme Court, asserting virtually the same theories that they  
26 raise here, except naming as respondents both the California Attorney General and the  
27 Los Angeles County Sheriff's Department. Now, as stated in the "Preliminary Points,"  
28 above, for reasons about which one can readily speculate, with at least two State Court

1 cases pending related substantially to the same theories asserted here, Plaintiffs  
2 choose to also file in Federal Court, and again, to move for a TRO.

3 With analysis of possible abstention type arguments simply out of reach in the  
4 short period available to Respondent to address Plaintiff's Application, suffice it to say  
5 that contrary to Plaintiffs' position, the State courts are fully equipped and uniquely  
6 situated to hear and rule on Plaintiff's claims and to provide relief if warranted. To date  
7 however, the reality is that at least for the Superior Court action, the court has thus far  
8 declined to do so. Regardless, for the reasons stated by Respondent in this response,  
9 the instant TRO Application raises no substantial issues of great public importance  
10 necessitating extraordinary relief from this Federal Court.

11 **V. CONCLUSION**

12 For the foregoing reasons, Respondents respectfully request that the Court deny  
13 Plaintiffs' application for a temporary restraining order.

14  
15 Dated: May 20, 2020.

16 Respectfully submitted,

17 DANIEL C. CEDERBORG  
18 County Counsel

19 By: /s/ Scott C. Hawkins  
20 SCOTT C. HAWKINS Deputy,  
21 Attorneys for Respondents.  
22  
23  
24  
25  
26  
27  
28

1 DANIEL C. CEDERBORG  
County Counsel – State Bar No. 124260  
2 SCOTT C. HAWKINS  
Deputy County Counsel – State Bar No. 207236  
3 FRESNO COUNTY COUNSEL  
4 2220 Tulare Street, 5th Floor  
Fresno, California 93721  
5 Telephone: (559) 600-3479  
6 Facsimile: (559) 600-3480

7 Attorneys for Real party in interest, COUNTY OF FRESNO

8  
9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**

11 JOHN DOE #1, an individual;  
12 JOHN DOE #2, an individual;  
13 JOHN DOE #3, an individual; and  
JOHN DOE #4, an individual

14 Plaintiffs,

15 vs.

16 ANDREW HALL, in his official capacity  
17 as Chief of the Fresno Police Department;  
18 and MARGARET MIMS, in her official  
capacity as Fresno County Sheriff,

19 Defendants.  
20  
21  
22

Case No.: 1:20-cv-00600-NONE-JDP

**DECLARATION OF DETECTIVE,**  
**AARON HORNE, IN SUPPORT OF**  
**RESPONDENTS’, (FRESNO COUNTY**  
**SHERIFF’S OFFICE AND SHERIFF**  
**MARGARET MIMS, IN HER OFFICIAL**  
**CAPACITY), OPPOSITION TO**  
**PLAINTIFFS’ MOTION FOR**  
**TEMPORARY RESTRAINING ORDER**  
**AND ORDER TO SHOW CAUSE RE:**  
**PRELIMINARY INJUNCTION**

**Hearing date: TBD**

**Time: TBD**

**Courtroom: 4**

**2500 Tulare Street**  
**Fresno, CA**

24 I, Aaron Horne, declare as follows:

25 1. I have been employed with the Fresno County Sheriff’s Office (“FCSO”)  
26 since February 2002. I have worked various assignments throughout my career with  
27 FCSO, including Patrol Division, School Resource Officer, Court Services, and  
28 Vice/Intelligence and Investigations. In July 2018, I began my assignment as a PC290

1 Sex Offender Registration Officer. My current rank is Deputy Sheriff III and my title is  
2 Detective. The registration office is located at 110 M Street, Fresno, CA 93721. I am  
3 familiar with the Fresno County Sheriff's Sex Offender Registration Processes and  
4 requirements, records, databases, and related information and documentation my office  
5 is required by law to maintain.

6 2. I make this declaration in my official capacity and in support of  
7 Respondents, Fresno County Sheriff's Office And Sheriff Margaret Mims (In Her Official  
8 Capacity), Opposition to Plaintiffs' Motion For Temporary Restraining Order ("TRO")  
9 And Order To Show Cause Re: Preliminary Injunction. I have personal knowledge of the  
10 facts stated herein and if called to testify to these facts I could and would do so  
11 competently.

12 3. On 3/18/2020 – Due to the "Shelter in Place" order, FCSO closed the  
13 registration building to registrants, posted a sign in front window that states, "LOBBY  
14 CLOSED UNTIL FURTHER NOTICE. REGISTRATIONS WILL BE DONE OUTSIDE T,  
15 W, TH 9AM – 12NOON". We started by using tables outside, allowing "social  
16 distancing," while still having registrants sign in, provide thumbprint and signature on the  
17 forms, and we still collected forms while wearing gloves and masks.

18 4. On 3/18/2020 – John Doe #1 phoned me and stated his birthday was on  
19 3/31/20 so he was due to come in for his annual registration on or around that date. He  
20 told me that due to his turning 71 years-old and having pre-existing medical conditions,  
21 he was considered "high risk" for Covid-19 and therefore wished to not come in and  
22 register. I explained to him that we had closed the office and were conducting  
23 registrations outside with adequate distancing and other precautions. He reiterated that  
24 he was not comfortable coming in. I advised him that we were temporarily not  
25 "mandating" that "high risk for Covid-19" registrants come in. I explained that this meant  
26 I would log his name, date of birth, the date and time he called, and once the "Shelter in  
27 Place" was lifted, I would notify him to come in and update his registration.

28

1           5.       On 4/7/2020 – to the present, due to the extension of the “Shelter in  
2 Place” order, FCSO started “no contact” registrations. The building remains closed to  
3 registrants, we removed the tables, taped off both entrances to the raised porch along  
4 the front of the building. We accept no paperwork, Driver’s licenses, I.D.’s, etc. from  
5 registrants and observe at least 6 feet of social distance. We have painted “X’s” on the  
6 ground to indicate the proper positioning. We sign-in registrants and document any  
7 necessary changes. Upon completing the Department of Justice’s (“DOJ’s”) 8102 forms,  
8 in the comments section, we type or hand-write “Covid-19 – No signature / fingerprints.  
9 Verbal confirmation of information / requirements.” We sign & date the forms and  
10 provide the registrant the opportunity to accept a copy. We take a photo of the  
11 registrant from distance of at least 6 feet. All this is conducted while wearing gloves and  
12 some wearing masks. We also maintain accessible hand-sanitizers.

13           6.       On or about 4/14/20 – John Doe #1 called me and asked for my email  
14 address. He said he would feel more comfortable having some type of documentation  
15 acknowledging our previous phone call. I provided him my email address. I later  
16 received an email from John Doe #1 detailing our phone call on 3/18. In essence, his  
17 email indicated that during our call on 3/18, I told him, due to him being high risk, he  
18 was not required to personally appear until the pandemic emergency passed and that  
19 his phone call was sufficient for registration compliance on a temporary basis and once  
20 the pandemic cleared, I would contact him and inform him when he could come in-  
21 person to perform and complete his registration.

22           7.       I replied, verbatim, “Mr. \_\_\_\_\_, you are correct. You will be notified once it  
23 is determined there is no longer a health risk to you physically coming into the  
24 registration office. Thank you for being responsible with your registration requirements  
25 and keeping in contact with me. Take care of yourself, Detective Aaron Horne”. My  
26 statement, “You are correct” referred in my mind at the time to the fact that I would  
27 notify him once the pandemic cleared. I did not intend this to mean that I confirmed  
28 telling him his phone call was sufficient for meeting registration requirements, showing

1 as “in compliance” or to show that he had “completed” his registration.

2 8. On or about 4/16/2020 – I received a call from Attorney Janice Bellucci.  
3 She told me she was not representing John Doe #1 (referred to him by his actual name  
4 throughout the duration of our conversation), but she had spoken to him regarding his  
5 prior phone call to me. She said he told her I told him his phone call was sufficient for  
6 registration requirements. I told her I did NOT tell him that, and I explained to her the  
7 details of my call with him. She told me she was, at that moment, looking at the  
8 Megan’s Law website and that he currently showed as “in violation” of his registration. I  
9 confirmed that he would remain showing “in violation” until he came to the office in-  
10 person and updated his registration. She asked me if FCSO places a registrant in  
11 violation in the “system”. I informed her that we do not, that DOJ makes that  
12 determination. She asked me, in essence, if John Doe #1 were to be out driving and  
13 got pulled over by law enforcement, wouldn’t he be arrestable.

14 9. I explained that he emailed me and I had replied and upon talking to him  
15 just prior to receiving his email, I advised him that my phone number would be on my  
16 email signature and if he had any contact with law enforcement and they questioned his  
17 being “in violation”, the officer, deputy, etc. could call me 24 hours a day and I would  
18 explain his situation and my position relate to his COVID related concerns. I also told  
19 him he had the option to print out my email and keep it with him so he could show it to  
20 any law enforcement personnel in that situation. (This is actually very similar to the SF  
21 Police Department’s voucher process, as indicated in Exhibit “E” to Plaintiffs’  
22 Memorandum for a TRO).

23 10. Ms. Bellucci asked who at FCSO enforced pursuing charges against  
24 registrants “in violation”. I told her my partner and I are the only two, and that we are  
25 currently not pursuing warrants or arresting anyone who is showing “in violation” due to  
26 being “high risk for Covid-19”. Ms. Bellucci began asking again about John Doe #1,  
27 hypothetically being pulled over and I told her, in essence, if he’s out and about driving  
28 around, then he can drive to our office and register.



1           11. I further explained to her, in detail, exactly how we have been conducting  
2 our registrations since March, and since April 7, outside in the large parking area, to  
3 include all precautionary measures such as adequate distancing, gloves, masks, no  
4 contact, no signature, no thumbprint, etc. I explained that John Doe #1 coming in to  
5 register here, outside in the parking area, puts him no more at risk or even less at risk  
6 than going to the grocery store or a doctor's office.

7           12. Ms. Bellucci then requested I email her documentation of our current  
8 registration policy. I advised her that I did not have the authority to not send her that  
9 information. She asked me how she could obtain a copy and I told her I would send her  
10 request up my chain of command. She replied, in essence, to make sure I tell my  
11 supervisor(s) her name, bar number, and that she has had several lawsuits against  
12 other LE agencies so that if they "look her up", that may impel their cooperation.

13           13. I offered Ms. Bellucci the phone number to DOJ so she could perhaps get  
14 more information from them. She declined and we ended our conversation.

15           14. On 4/20/2020 – I received an email from Attorney Janice Bellucci. The  
16 email states that its purpose is to follow up from our phone call the previous week. Her  
17 email states that during that call, she asked me for documentation, and she asks in the  
18 email if I have been able to locate any such document. She requested I call her to  
19 discuss this further. I declined to call her.

20           15. On or about 4/22/2020 – I received a phone call from John Doe #1. He  
21 first apologized for "that attorney calling and bugging you". Then he stated, in essence,  
22 that he was confused because he is listed as "in violation" on the Megan's Law website  
23 but he thought, per our phone call and email, that he complied. I explained to him in  
24 detail, as I did to Ms. Bellucci, how he will remain showing "in violation" per the DOJ  
25 until he comes down in-person and registers, and I reminded him of the rest of our  
26 conversation, explained above.

27

28

1           16.    He began asking me, in essence, the same questions Ms. Bellucci had  
2 asked me during our phone call. Specifically, the hypothetical scenario of him getting  
3 pulled over and being arrestable. I told him that if he's out driving, then he can drive  
4 downtown and register. He told me he only drives to "essential" locations like the  
5 grocery store or the pharmacy. I then explained in detail, as I did to Ms. Bellucci, how  
6 we are currently conducting our registrations *outside*, with less time spent at the facility,  
7 adequate distancing, gloves, masks, no contact, no signature, no thumbprint, etc. I also  
8 reiterated that he has my work cellphone number and that any LE personnel can call  
9 me.

10           17.    I reminded him that he can print out my email response and show them if  
11 his "in violation" status is questioned. I offered him the phone number to DOJ so he too,  
12 could perhaps get more information and he too declined. We then ended our  
13 conversation. Again, very similar to the process used at SFPD.

14           18.    In reading John Doe #1's Declaration for Application for Temporary  
15 Restraining Order, signed by John Doe #1 under penalty of perjury and dated May 12,  
16 2020, he states that he told me during the phone call on 3/18/2020 that one of his fears  
17 was to enter the registration office because its small size would not allow for social  
18 distancing of at least six feet. As stated above, I explained during that call that we  
19 moved everything *outside* in the large open parking area, specifically to allow for proper  
20 distancing and were taking the other precautions as well. He fails to mention this.

21           19.    In his declaration, he also states that due to his current status of being "in  
22 violation", he is afraid to leave his home due to being at great risk for arrest, booking,  
23 and incarceration in the Fresno County Jail. As stated above, during my call from Ms.  
24 Bellucci on or about 4/16/2020, and during my call from John Doe #1 on or about  
25 4/22/2020, I explained to them both, in detail, how FCSO is not pursuing warrants or  
26 other adverse action against registrants "in violation" due to being "high risk" for Covid-  
27 19, and that a copy of my reply email to John Doe #1 would very likely prevent any  
28 adverse action by any non-FCSO law enforcement officer.

1           20. I also reiterated the option to have any LE personnel call my work  
2 cellphone 24 hours a day, allowing me essentially to vouch for John Doe #1 was an  
3 additional option. Furthermore, in his declaration, John Doe #1 states that being unable  
4 to leave his house due to his fear of arrest, he is unable to continue his Fresno City  
5 College internship working as a drug and alcohol counselor at the Fresno Rescue  
6 Mission. It is my firm belief that with the precautions the FCSO is taking during  
7 registrations, there is no more risk, if not less risk, for contracting Covid-19 than entering  
8 and working at the Fresno Rescue Mission.

9           21. In reading John Doe #4's Declaration for Application for Temporary  
10 Restraining Order, signed by John Doe #4 under penalty of perjury and dated May 8,  
11 2020, he describes in detail how his registration was conducted in "2019," which I  
12 verified occurred in May of 2019.

13           22. He details being in a small room, sitting shoulder-to-shoulder with others,  
14 some of whom did not appear clean, perhaps due to them possibly being homeless, and  
15 physical contact with a registration officer during fingerprinting. He also mentions being  
16 handed documents and initialing/signing them in several places.

17           23. After describing this alleged (May) 2019 registration encounter, he simply  
18 states that in "2020," the FCSO is "demanding" that he appear in person at the same  
19 cramped location where social distancing is not possible. This statement is completely  
20 untrue.

21           24. FCSO, as described above, has eliminated each physical step of the  
22 registration process existing in May of 2019 and that could be construed in the manner  
23 John Doe #4 describes in his declaration (small spaces, physical contact with pens, and  
24 other surfaces and close proximity to other persons). The only exception being  
25 registration officers, while wearing new gloves for each transaction, offering registrants  
26 a "completed" form fresh from the copy machine.

27           25. In the latter part of his declaration, John Doe #4 further mentions having to  
28 touch and manipulate numerous objects and surfaces used by others, such as counters,

1 chairs, clipboards, pens, and other equipment. This statement is also completely  
2 untrue. FCSO, as described above, since 3/18/2020 modified their protocols, and in  
3 4/7/20, closed off the office to registrants and moved the entire registration process  
4 outside to large parking lot to allow adequate distancing and other precautionary  
5 measures.

6 26. As described above, since 4/7/2020, FCSO, has established a “no  
7 contact” method of registration, observing all recommended and proper distancing and  
8 sanitation precautions, which has resulted in a substantial decrease (50%+ -) in the  
9 average stay, now only 10-15 minutes, for a periodic registrant. Even prior to March  
10 2020, during the pre-COVID period, the average stay for a periodic registrant was at  
11 most a half an hour.

12 27. On 5/13/2020 – I received an email containing an “Information Bulletin”  
13 from the Office of Attorney General, Xavier Becerra. A true and correct copy of this  
14 form is attached to the “RJN” in support of this response. The bulletin relates to  
15 California Governor Newsom’s Executive Order N-63-20 (also part of the RJN), which  
16 pertains directly to registration of sex offenders in California. The Information Bulletin  
17 provides guidance to Law Enforcement agencies throughout California regarding the  
18 registration procedures during the Covid-19 pandemic.

19 28. Prior to receiving this bulletin, FCSO had implemented numerous COVID-  
20 19 safety precautions, as explained above, which we believe were and are consistent  
21 with the requirements of Fresno County Department of Public Health, as well as State of  
22 California, directives.

23 29. On 5/14/2020 - Based on this bulletin, FCSO began implementing the  
24 provided specific instructions regarding the completion and submission of the  
25 registration forms as stated therein.

26 30. Finally, FCSO’s Sex Offender Registration unit does not currently have the  
27 resources, technology or equipment to implement remote registrations. We also believe  
28 that telephonic registrations are not feasible for FCSO at this time, including due to

1 inadequate resources or opportunity, as of this time, to fully investigate or otherwise  
2 consider and/or develop policies related to such a process, including consulting the DOJ  
3 or legal counsel regarding the same.

4 31. FCSO intends to continue following the mandates of the State law as  
5 implanted by the DOJ with regard to Sex Offender Registrations, while observing as  
6 many of the State's suggestions to implement "other procedures" in reference to the  
7 current Health outbreak as possible, consistent with these mandates, public safety  
8 concerns, and all other legal duties and responsibilities.

9 ///

10

11 ///

12

13 ///

14

15 ///

16

17 ///

18

19 ///

20

21 ///

22

23 ///

24

25 ///

26

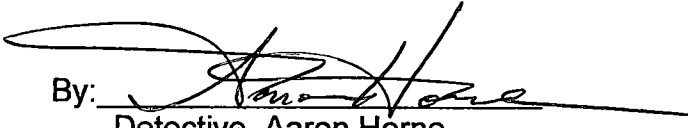
27 ///

28

1 I declare under the penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct.

3 Dated: In Fresno, California on May 20, 2020,  
4

5 Respectfully submitted,

6  
7   
8 By: \_\_\_\_\_  
9 Detective, Aaron Horne,  
10 For Respondent,  
11 Fresno County Sheriff's Office.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 DANIEL C. CEDERBORG  
County Counsel – State Bar No. 124260  
2 SCOTT C. HAWKINS  
Deputy County Counsel – State Bar No. 207236  
3 FRESNO COUNTY COUNSEL  
4 2220 Tulare Street, 5th Floor  
Fresno, California 93721  
5 Telephone: (559) 600-3479  
6 Facsimile: (559) 600-3480

7 Attorneys for Real party in interest, COUNTY OF FRESNO

8  
9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**

11 JOHN DOE #1, an individual;  
12 JOHN DOE #2, an individual;  
13 JOHN DOE #3, an individual; and  
JOHN DOE #4, an individual

14 Plaintiffs,

15 vs.

16 ANDREW HALL, in his official capacity  
17 as Chief of the Fresno Police Department;  
18 and MARGARET MIMS, in her official  
capacity as Fresno County Sheriff,

19 Defendants.  
20  
21  
22

Case No.: 1:20-cv-00600-NONE-JDP

**RESPONDENTS', (FRESNO COUNTY  
SHERIFF'S OFFICE AND SHERIFF  
MARGARET MIMS, IN HER OFFICIAL  
CAPACITY), REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF OPPOSITION  
TO MOTION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE RE: PRELIMINARY  
INJUNCTION**

**Hearing date: TBD  
Time: TBD  
Courtroom: 4**

**2500 Tulare Street  
Fresno, CA**

23 RESPONDENTS, FRESNO COUNTY SHERIFF'S OFFICE and SHERIFF  
24 MARGARET MIMS (IN HER OFFICIAL CAPACITY), hereby submit the following  
25 Request For Judicial Notice in support of their Opposition Plaintiffs' Motion For  
26 Temporary Restraining Order ("TRO") And Order To Show Cause Re: Preliminary  
27 Injunction, pursuant to Federal Rule of Civil Procedure Rule 60(B)(2)(3) &(6); and  
28 U.S.D.C., E.D. Calif. Local Rules 230j.



1 A Court need not accept as true, conclusions cast in the form of factual  
2 allegations, or allegations that contradict matters properly subject to judicial notice. See  
3 *Tyshkevich v. Wells Fargo Bank, N.A.* (E.D.Cal. Jan. 14, 2016, No. 2:15-cv-2010 JAM.  
4 Also, Pursuant to Federal Rules of Evidence 201, et seq., "A court shall take judicial  
5 notice if requested by a party and supplied with the necessary information." Fed.R. Evid.  
6 201 (d). "A judicially noticed fact must be one not subject to reasonable dispute in that it  
7 is either (1) generally known within the territorial jurisdiction of the trial court or (2)  
8 capable of accurate and ready determination by resort to sources whose accuracy  
9 cannot reasonably be questioned." Fed. R. Evid. 201(b).

10 A court may "also take judicial notice of matters of public record, as long as the  
11 facts noticed are not subject to reasonable dispute." *Intri-Plex Techs., Inc. v. Crest Grp.,*  
12 *Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007), and *Lee v. City of Los Angeles*, 250 F.3d 668,  
13 688-89 (9th Cir. 2001). This obviously includes records publicly maintained by a local  
14 or State government pursuant to statutory mandate. See *Kuan v. United States*  
15 *Customs Serv.*, 2009 U.S. Dist. LEXIS 126574, \*19-20, 2009 WL 6340016 (C.D. Cal.  
16 Dec. 16, 2009) [printout from a County database reflecting the absence of a required  
17 claim under plaintiff's name is a public record of which the Court may, and hereby does,  
18 take judicial notice. See also *Cottle v. Skyways, Inc.* (E.D.Cal. Apr. 17, 2017, No. 1:17-  
19 cv-00049-DAD-BAM) 2017 U.S. Dist. LEXIS 59203, at \*11, fn. 2.) ["Proper subjects of  
20 judicial notice include ... publicly accessible websites."]; and *Mullins v. Wells Fargo*  
21 *Bank, N.A.* (E.D.Cal. Sep. 17, 2013, No. 2:13-cv-0453 JAM KJN PS) 2013  
22 U.S. Dist. LEXIS 133749, at \*13-15.) [court took judicial notice of various certificates,  
23 letters, and other official documents from government agencies and government  
24 websites, sources whose accuracy cannot reasonably be questioned].

25 Based on the foregoing legal authority, Defendants respectfully request that the  
26 Court take judicial notice of the following matters and materials set forth therein and  
27 maintained in the County's possession as well as in the possession of and/or  
28 maintained by, the State of California, including its Department of Justice, related to

1 Sex Offender Registration and the COVID-19 Health Pandemic.

- 2 1. Petitioners' First Amended Petition for Writ of Mandate, Case No.
- 3 20STCV12138, Los Angeles County Superior Court;
- 4 2. Order Denying Application for TRO, April 17, 2020, Case No.
- 5 20STCV12138, Los Angeles County Superior Court;
- 6 3. CA DOJ 20-07-CJIS – Information Bulletin Form re EO N-63-20;
- 7 4. CA DOJ CJIS 8047 – Notice of Sex Offender Notice Requirement;
- 8 5. CA DOJ CJIS 8102S – Sex Offender Registration Change Of Address /
- 9 Annual Or Other Update;
- 10 6. CA Governor Gavin Newsome's May 8, 2020 Executive Order N-63-20; and
- 11 7. Official CA COVID19 Information Website and State Health Directives,
- 12 <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top> ;

13  
14 Except for no. 7, above, true and correct copies of these Official Government  
15 records referenced in Respondent's Opposition and supporting papers are attached  
16 hereto.

17  
18 Dated: May 20, 2020,

19 Respectfully submitted,

20 DANIEL C. CEDERBORG  
21 County Counsel

22  
23 /s/ Scott C. Hawkins  
24 By: Scott C. Hawkins, Deputy  
25 Attorneys for Respondents.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# RJN No. 1

1 Janice M. Bellucci, SBN 108911  
 2 LAW OFFICE OF JANICE M. BELLUCCI  
 3 1215 K Street, 17th Floor  
 4 Sacramento, CA 95814  
 5 Tel: (805) 896-7854  
 6 Fax: (916) 823-5248  
 7 jmbellucci@aol.com  
 8 Attorney for Petitioners

9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
 10 **COUNTY OF LOS ANGELES**

11 ALLIANCE FOR CONSTITUTIONAL  
 12 SEX OFFENSE LAWS, INC.,  
 13 a California non-profit corporation;  
 14 JOHN DOE #1, an individual; and  
 15 JOHN DOE #2, an individual

16 Petitioners/Plaintiffs,

17 vs.

18 CALIFORNIA DEPARTMENT OF JUSTICE;  
 19 XAVIER BECERRA, in his official capacity as  
 20 Attorney General of the State of California;  
 21 LOS ANGELES COUNTY SHERIFF'S  
 22 DEPARTMENT; and ALEX VILLANUEVA,  
 23 in his official capacity as Sheriff of Los Angeles  
 24 County;

25 Respondents/Defendants.

Case No.: 20STCV12138

**FIRST AMENDED PETITION  
 FOR WRIT OF MANDATE  
 AND COMPLAINT FOR DECLARATORY  
 AND INJUNCTIVE RELIEF  
 (CAL. CIV. PROC. CODE §§ 1085, 1060)**

Judge: Hon. Jon R. Takasugi  
 Dept: 17  
 Action filed: March 26, 2020  
 Trial date: None set

**INTRODUCTION**

1. This action challenges the discretionary, unauthorized, and injurious decision by Respondents and Defendants California Department of Justice (“Cal. DOJ”), Attorney General Xavier Becerra, the Los Angeles County Sheriff’s Department, and Sheriff Alex Villanueva (“LASD”), to require persons required to register as a sex offender (“Registrants”) who are vulnerable to the COVID-19 virus to leave their homes and to appear in person at local LASD stations for their 30-day, 90-day, or annual registration updates (hereinafter, “**periodic updates**”).

1 Consistent with the Sex Offender Registration Act, periodic updates can be completed through  
2 means that do not require vulnerable persons to subject themselves, during an in-person registration,  
3 to a risk of harm that is universally recognized by national, state, and local government – in  
4 violation of orders issued by those same governments.

5 2. This issue warrants the Court’s attention at this time because the extraordinary measures  
6 now being taken to slow the spread of the COVID-19 pandemic are undermined by requiring  
7 Registrants to continue to appear in person for periodic updates. Specifically, as of March 19, 2020,  
8 the Governor of California has ordered as follows: “Everyone is required to stay home except to  
9 get food, care for a relative or friend, get necessary health care, or go to an essential job.”<sup>1</sup> The  
10 Order contains no exception for Registrants or for registration updates.

11 3. Nor is such an exception mandated by law. Sex offender registration is governed by the  
12 California Sex Offender Registration Act, codified at Penal Code section 290, *et seq.* (hereinafter,  
13 “Section 290” or “Act”). The text of the Act does not require Registrants to appear in person for  
14 periodic updates. (See Cal. Penal Code § 290.012, subs. (a)-(c).) Instead, the Act merely requires  
15 that Registrants be “Registered.” (*Ibid.*) In addition, there is no practical reason why Registrants  
16 must appear in person for periodic updates because periodic updates are for the purpose of  
17 confirming information that registering agencies already possess, or for the purpose of providing  
18 information that can be transmitted through alternative means which pose little or no risk of  
19 exposure of COVID-19, such as the telephone or video conferencing apps and programs. Use of  
20 this widely available technology provides law enforcement with effective methods to obtain the  
21 information necessary to complete periodic updates without subjecting the public, law enforcement  
22 personnel, and Registrants to potentially harmful in-person visits to locations where they could  
23 either contract or spread COVID-19. Requiring such in-person visits to LASD stations during a  
24 pandemic, in contravention of state and local orders, is an abuse of discretion as pled herein. In  
25 addition, the Act does not authorize Respondents to require in-person registration for periodic  
26 updates.

27 \_\_\_\_\_  
28 <sup>1</sup> <https://covid19.ca.gov/>, last visited March 23, 2020.

1 4. On information and belief, many registering agencies throughout California, including the  
2 Los Angeles Police Department (“LAPD”), the agency with the largest population of Registrants in  
3 the state, are processing periodic updates over the telephone. The LAPD does not require  
4 Registrants to appear in person while the COVID-19 emergency measures are in place. Instead, the  
5 LAPD has placed signs, including those attached hereto as Exhibit A, on the exterior of its police  
6 stations confirming that the LAPD’s registration policy is currently “modified” to accommodate the  
7 COVID-19 emergency measures. (Exh. A.) Pursuant to the LAPD’s modified policy, Registrants  
8 “are not [] allowed in the station,” and “[the LAPD] will register [them] over the phone.” (Exh. A.)

9 5. Petitioners and Plaintiffs include a civil rights organization that is comprised of and supports  
10 Registrants, as well as two individual Registrants, Petitioners John Doe #1 and John Doe #2, who  
11 are deemed vulnerable to infection by COVID-19 due to age and/or chronic medical conditions  
12 including asthma, as well as homelessness. As pled more fully below, Respondent LASD has  
13 directed Petitioners John Doe #1 and John Doe #2 and all Registrants residing in the jurisdiction of  
14 the LASD to appear in person for their periodic updates. In addition, because he is a homeless  
15 (“transient”) Registrant, Petitioner John Doe #2 must register in person at the LASD station in Santa  
16 Clarita every 28 days. Petitioner John Doe #2’s next registration appointment is April 9, 2020,  
17 followed by additional appointments on May 7, June 5, and every 28 days thereafter. As described  
18 more fully below, the LASD limits the hours available for registration at the Santa Clarita station to  
19 three hours per week, meaning that a large number of Registrants (both homeless and non-  
20 homeless) are forced to congregate together for long periods while their periodic updates are  
21 processed, in violation of the measures now being imposed to slow the spread of COVID-19.

22 6. In addition, certain registration officials within the LASD have asserted that the LASD  
23 cannot modify its in-person registration requirement without approval from Respondent Cal. DOJ.  
24 Respondents’ mandate that all Registrants, including those with high risk factors for COVID-19,  
25 appear in person forces Petitioners and all Registrants into a Catch-22. That is, they must either  
26 subject themselves to possible COVID-19 infection in violation of a state order, or violate Section  
27 290 by failing to appear in person, thereby inviting arrest and custody in jail or prison – where the  
28 risk of COVID-19 infection is much greater. Section 290 does not require Petitioners and all

1 Registrants to play Russian Roulette with their lives in order to provide the information required for  
2 their periodic updates.

3 7. Accordingly, Petitioners seek a writ of mandate, temporary restraining order, preliminary  
4 injunction, and permanent injunction directing Respondent LASD to process 30-day, 90-day, and  
5 annual updates without the additional, non-statutory requirement to appear in person until the threat  
6 from COVID-19 ends. Petitioners also seek a writ of mandate, temporary restraining order,  
7 preliminary injunction, and permanent injunction directing Respondents Cal. DOJ and Becerra to  
8 cease requiring local registering agencies to require in-person registration for periodic updates until  
9 the threat from COVID-19 ends. Petitioners further seek, against all Respondents, a judgment  
10 declaring that Registrants are not required to appear in person for periodic updates until the threat  
11 from COVID-19 ends.

12 **JURISDICTION AND VENUE**

13 8. As a court of unlimited jurisdiction, the Los Angeles County Superior Court has jurisdiction  
14 over this action for mandamus, declaratory, and injunctive relief pursuant to California Code of  
15 Civil Procedure sections 1084, *et seq.* and 1060.

16 9. Venue is proper within this Court because Respondents Cal. DOJ and Becerra, in his official  
17 capacity, maintain an office in Los Angeles County (Cal. Civ. Proc. Code § 401), and because  
18 Respondents LASD and Villanueva are located in Los Angeles County.

19 **PARTIES**

20 10. Petitioners reallege and incorporate herein, as though fully set forth, all and inclusively,  
21 paragraphs 1 through 9.

22 11. Petitioner Alliance for Constitutional Sex Offense Laws, Inc. (“ACSOL”) is a non-profit  
23 corporation incorporated and headquartered in Los Angeles County, California. ACSOL is  
24 dedicated to protecting the Constitution by restoring the civil rights of more than 109,000  
25 Registrants in the State of California through advocacy, education, and litigation on behalf of them  
26 and their families. ACSOL is beneficially interested in the outcome of these proceedings, as well as  
27 in Respondents’ performance of their legal duties, and therefore seeks by this Petition to procure  
28 enforcement of a public duty on a question of public right. (Cal. Civ. Proc. Code § 1086.) In



1 addition, ACSOL’s membership includes thousands of Registrants who reside within the  
2 jurisdiction of the LASD who are required to register as sex offenders, who are injured by the  
3 discretionary decision challenged in this action, and who are beneficially interested in the outcome  
4 of this proceeding.

5 12. Petitioner John Doe #1 is a Registrant who currently resides in Los Angeles County within  
6 the jurisdiction of the LASD station in Palmdale. Petitioner John Doe #1 is required to update his  
7 registration with the LASD within five working days of his birthday pursuant to Penal Code section  
8 290.012. Petitioner John Doe #1 is vulnerable to COVID-19 because he suffers from chronic  
9 medical conditions including asthma, a respiratory disease, as determined by national and state  
10 health care agencies.

11 13. Petitioner John Doe #2 is a 64-year-old homeless Registrant who currently resides in the  
12 City of Santa Clarita, within the jurisdiction of the LASD. Petitioner John Doe #2 is vulnerable to  
13 COVID-19 because of his age (64), as well as chronic medical conditions that include asthma, a  
14 respiratory disease, and his homeless status. Because he is homeless, Petitioner John Doe #2 is  
15 designated as a “transient” by the Act and the Act requires him to update his registration in person at  
16 an LASD station every 30 days, in addition to his annual update. However, Respondent LASD  
17 requires Petitioner John Doe #2 to register in person every 28 days at the LASD station in Santa  
18 Clarita. Petitioner John Doe #2’s next registration appointment is April 9, 2020, followed by  
19 additional appointments on May 7 and June 5, 2020, at which Petitioner John Doe #2 must also  
20 appear in person.

21 14. Petitioners John Doe #1 and John Doe #2 shall be referred to herein collectively as  
22 “Petitioners.”

23 15. Respondent California Department of Justice (“Cal. DOJ”) is a state agency with overall  
24 responsibility for interpreting and enforcing the Act, including implementation of the discretionary  
25 decision challenged in this action.

26 16. Respondent Xavier Becerra is the Attorney General for the State of California. In his  
27 official capacity, as set forth in Article 5, Section 13 of the California Constitution, he is the “chief  
28 law officer of the State,” with a duty “to see that the laws of the state are uniformly and adequately

1 enforced.” He has “direct supervision over every district attorney and sheriff and over such other  
2 law enforcement officers as may be designated by law.” (Cal. Const. art. 5, § 13.) He “has charge,  
3 as attorney, of all legal matters in which the State is interested.” (Cal. Gov’t Code § 12511.) He is  
4 obligated to enforce the laws of the State and to ensure that those laws are enforced in a manner that  
5 complies with the California and United States Constitutions.

6 17. Respondent Los Angeles County Sheriff’s Department (“LASD”) is a local law enforcement  
7 agency responsible for implementing the Act in Los Angeles County (Cal. Penal Code § 290, subd.  
8 (b).) Respondent LASD is responsible for facilitating the periodic updates for all Registrants  
9 residing in its jurisdiction, including Petitioner John Doe. On information and belief, Respondent  
10 LASD is responsible for the discretionary decision challenged in this action.

11 18. Respondent Alex Villanueva (“Villanueva”) is the Sheriff of Los Angeles County and the  
12 highest-ranking official within the LASD. In his official capacity as Sheriff, Respondent Alex  
13 Villanueva is responsible for the decisions and policies challenged in this action.

14 19. Respondents Cal. DOJ, Becerra, LASD and Villanueva shall be referred to herein  
15 collectively as “Respondents.”

16 **FACTS**

17 20. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
18 inclusively, paragraphs 1 through 19.

19 **The Coronavirus Pandemic and State and Local Orders to Remain at Home**

20 21. In the words of Los Angeles Mayor Eric Garcetti, “The novel coronavirus pandemic is a  
21 global emergency that is unprecedented in modern history.”<sup>2</sup> Extraordinary measures have been  
22 implemented by governments at every level to address this pandemic. Most notably, on March 19,  
23 2020, the Governor of California issued an order calling upon all 40 million residents of the state to  
24 remain in their homes, with limited exceptions for essential travel (hereinafter, the “Order”).<sup>3</sup>  
25 Specifically, the Governor’s Order directs “all individuals living in the State of California to stay  
26 \_\_\_\_\_

27 <sup>2</sup>[https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER\\_AT\\_HOME\\_ORDER2020.03.19.pdf](https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf)

28 <sup>3</sup> <https://covid19.ca.gov/stay-home-except-for-essential-needs/>

1 home or at their place of residence except as needed to maintain continuity of operations of the  
2 federal critical infrastructure sectors, as outlined at [https://www.cisa.gov/identifying-critical-  
4 infrastructure-during-covid-19](https://www.cisa.gov/identifying-critical-<br/>3 infrastructure-during-covid-19).”<sup>4</sup> Sex offender registration is not listed among the exceptions to the  
5 Order, and violation of the Order can result in penalties and punishment.

6 22. The Order emphasizes that persons within specific vulnerable populations must self-isolate  
7 and remain in their homes. As reflected in the Order, the Center for Disease Control and the  
8 California Department of Health Care Services declare the following persons are at “higher risk” for  
9 contracting COVID-19:<sup>5, 6</sup>

- 10 a. Persons aged 65 and older;
- 11 b. Persons with HIV/AIDS or compromised immune systems; and
- 12 c. Persons with chronic serious medical conditions, including asthma.

13 23. On March 4, 2020, the Los Angeles County Board of Supervisors declared a Local  
14 Emergency throughout Los Angeles County due to the COVID-19 pandemic. In addition,  
15 consistent with the Governor’s Order, the Los Angeles County Department of Public Health has  
16 ordered that “All persons are to remain in their homes or at their place of residence except to travel  
17 to and from Essential Business, to work at or provide service to a Healthcare Operation or Essential  
18 Infrastructure, to engage in Essential Activities, or to participate in individual or family outdoor  
19 activity, while practicing social distancing.”<sup>7</sup>

20 **The California Sex Offender Registration Act Does Not Require In-person Periodic Updates**

21 24. In general, the Act requires persons convicted of an offense described in Section 290,  
22 subdivision (c) to complete their initial registration with local law enforcement within specified time  
23 frames when they: (1) are released from custody or supervision, (2) establish residency in the state,  
24 (3) change their residence address, or (4) cease residing in California.

25 \_\_\_\_\_  
26 <sup>4</sup> <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

27 <sup>5</sup> <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

28 <sup>6</sup> <https://covid19.ca.gov/what-you-can-do/#symptoms-risks>

<sup>7</sup> [http://www.publichealth.lacounty.gov/media/Coronavirus/COVID-19\\_March%202021-HOOrder-7\\_00\\_FINAL2.pdf](http://www.publichealth.lacounty.gov/media/Coronavirus/COVID-19_March%202021-HOOrder-7_00_FINAL2.pdf)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

25. The Act further requires Registrants to periodically update their registration with local law enforcement at specified intervals, as follows:

- a. All Registrants must provide an “annual update” within five working days of their birthday, beginning on his or her first birthday after the initial registration. (Penal Code § 290.012, subd. (a).)
- b. Registrants designated “sexually violent predators” must update their registration every 90 days. (Penal Code § 290.012, subd. (b).)
- c. Transient Registrants (*i.e.*, those with no fixed residence address), must update their registration every 30 days. (Penal Code § 290.012, subd. (c).)

26. The Act does not require initial registration, annual updates, 90-day updates, or 30-day updates (*i.e.*, “periodic updates”) to be in person. Instead, the Act only requires that periodic updates occur, without specifying how the Registrant is to provide the required information to the registering agency. (E.g., Penal Code § 290.012, subd. (a) [“Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290. At the annual update, the person shall provide current information as required on the Department of Justice annual update form, including the information described in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 290.015. The registering agency shall give the registrant a copy of the registration requirements from the Department of Justice form.”].)

27. Notably, the Act specifies only three occasions on which in-person registration or in-person updates are required. Specifically, in-person registration and updates are required only for:

- a. **Transient Registrants “who move[] of out state.”** (Penal Code § 290.011, subd. (f) [“A transient who moves out of state shall inform, in person, the chief of police in the city in which he or she is physically present, or the sheriff of the county if he or she is physically present in an unincorporated area or city that has no police department, within five working days, of his or her move out of state.”].)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- b. **Registrants who change their residence address**, whether within the jurisdiction in which they are currently registered or to a new jurisdiction outside California. (Penal Code § 290.013, subd. (a) [“A person who was last registered at a residence address pursuant to the Act who changes his or her residence address, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, shall, in person, within five working days of the move, inform the law enforcement agency or agencies with which he or she last registered of the move, the new address or transient location, if known, and any plans he or she has to return to California.”].)
- c. **Registrants who legally change their names**. (Penal Code § 290.014, subd. (a) [“If any person who is required to register pursuant to the Act changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days”].)

28. The Legislature’s decision to expressly require in-person updates in certain limited situations but no other situations confirms that the Legislature did not intend to require personal appearance at initial registration, annual updates, 90-day updates, or 30-day updates. (*See, e.g., Wilson v. City of Laguna Beach* (1992) 6 Cal. App. 4th 543, 554.) On information and belief, the Respondent Cal. DOJ and various local registering agencies are able to, and do in fact, process registrations when the Registrant does not appear in person, such as when a Registrant is hospitalized or otherwise incapacitated. Accordingly, Respondents have, but unlawfully refuse to exercise, discretion to process periodic updates without requiring Registrants to appear in person.

**Respondents’ Discretionary In-person Registration Requirement Threatens Vulnerable Registrants and Forces Them to Violate State and Local COVID-19-Related Orders**

29. Petitioner John Doe #1 suffers from chronic medical conditions that render him vulnerable to COVID-19 infection, including asthma, as confirmed by state and local authorities. In addition,

1 Petitioner John Doe #1 is currently subject to the Governor of California’s Order, which requires  
2 him to remain at home except for “essential” travel pursuant to the terms of that order.

3 30. Petitioner John Doe #2 is a 64-year-old homeless Registrant who must appear at the LASD  
4 station in Santa Clarita for his 30-day updates and annual update pursuant to the Act. As noted  
5 above, the LASD requires Petition John Doe #2 to register in person every 28 days, with his next in-  
6 person registration required on April 9, May 7, and June 5, 2020. Petitioner John Doe #2 is  
7 vulnerable to COVID-19 because of his age, his chronic asthma, a respiratory disease, as well as his  
8 homeless status, in which he is constantly exposed to unsanitary and crowded conditions where  
9 transmission of the coronavirus is more likely.

10 31. On March 24 and March 25, 2020, Petitioners, through counsel, telephoned five separate  
11 LASD stations (Carson, Compton, Lancaster, Palmdale, and West Hollywood) to inquire whether  
12 Petitioners and other Registrants are required to appear in person for periodic updates despite the  
13 Governor’s Order as well as the common-sense directives of health care authorities, including the  
14 directive of Los Angeles County itself, to remain at home. All five LASD registration officials  
15 confirmed that all Registrants are required to appear in person for periodic updates, regardless of  
16 their vulnerability due to one or more high risk COVID-19 factors.

17 32. On information and belief, the risk imposed upon the public, law enforcement personnel,  
18 Registrants, and their families by the in-person registration requirement is rendered even greater  
19 within the LASD’s jurisdiction because one or more LASD stations have severely restricted the  
20 hours available for registration. For example, the LASD station in Santa Clarita, where Petitioner  
21 John Doe #2 registers, is only open for three hours per week on a walk-in basis, that is, on  
22 Thursdays between 1:00 p.m. and 4:00 p.m. In addition, the LASD station in Santa Clarita will not  
23 provide anyone with an appointment to register. As a result of these restricted hours, Petitioner  
24 John Doe #2 routinely encounters a large number of Registrants who are forced to congregate  
25 together while their periodic updates are processed. By restricting the hours during which  
26 Registrants must appear to register, Respondent LASD has increased the risk of infection and harm  
27 not only to Registrants, but also to their families, law enforcement, and the general public by  
28 ensuring that Registrants will appear in larger and more concentrated numbers at LASD stations.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

33. In addition, two of the five LASD registration officials queried by Petitioners’ counsel asserted that the LASD cannot suspend its policy requiring in-person registration unless permitted to do so by Respondent Cal. DOJ, because Respondent Cal. DOJ mandates that registering agencies such as the LASD require Registrants to register in person. Accordingly, on information and belief, Respondents Cal. DOJ and Becerra are responsible for the decision challenged in this action. The continued insistence by registering agencies in counties and cities that Registrants appear in person for periodic updates is, in part, the result of paperwork requirements that Respondents impose upon registering agencies. Specifically, Department of Justice form CJIS 8102S (rev. 01/2020), attached hereto as Exhibit B, purports to summarize the registration requirements, including the information that must be provided by Registrants and collected by local registering agencies during periodic updates. Form CJIS 8102S erroneously states that periodic updates must be done “in person.” (*Compare* Exh. B, at pp. 3-4 ¶¶ 4, 6-7, 9, 12 *with* Cal. Penal Code § 290.012, subds. (a)-(c). *See also* *Litmon v. Harris* (2014) 768 F.3d 1237, 1240, citing the State of California Form CJIS 8102S, entitled “Sex Registration / Change of Address / Annual or Other Update.”)

34. In addition to being discretionary and neither required nor authorized by Section 290, Respondents’ ongoing decision to require in-person registration for periodic updates forces Petitioners and all Registrants to contravene the public safety measures imposed by state and local government upon all residents of California, including Registrants, including the current Order by the Governor of California. (*Helling v. McKinney* (1994) 509 U.S. 25, 33 [“It would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them.”].) Respondents’ decision requiring in-person registration therefore threatens both vulnerable Registrants as well as the larger population with which those Registrants interact, including the public, law enforcement personnel, and their families.

35. On information and belief, the locations at which Registrants are required to register in person are often unsanitary, crowded, and do not allow for “social distancing” and other preventative measures mandated by state and local government. For example, many police and



1 sheriff's stations are located in areas with large homeless populations. In addition, Registrants are  
2 forced to enter, sit in, touch, and otherwise interact with unsanitary, and often narrow and cramped,  
3 physical environments while registering. Those environments, as well as, the registration  
4 procedures employed by Respondents, require repeated and prolonged contact with potentially  
5 virus-ridden surfaces and objects such as countertops, clip boards, various papers, pens, pen chains,  
6 ink pads, chairs, door handles, water fountains, and Livescan and other fingerprinting machine.  
7 These unsanitary surfaces are touched by innumerable other Registrants, as well as other visitors to  
8 the station and employees of the registering agencies.

9 36. On information and belief, there are registering agencies throughout California, including  
10 the Los Angeles Police Department (LAPD), the agency with the largest population of Registrants  
11 in the state, that are processing periodic updates over the telephone. That is, the LAPD has  
12 completely stopped requiring Registrants to register in person while the COVID-19 emergency  
13 measures are in place. Instead, the LAPD has placed signs, including those attached hereto as  
14 Exhibit A, on the exterior of its police stations confirming that the LAPD's registration policy is  
15 currently "modified" to accommodate the COVID-19 emergency measures. (Exh. A.) Pursuant to  
16 the LAPD's modified policy, Registrants "are not [] allowed in the station," and "[the LAPD] will  
17 register [them] over the phone." (Exh. A.)

18 **EQUITY AND IRREPARABLE INJURY**

19 37. Petitioner realleges and incorporates herein, as though fully set forth, each and every, all and  
20 inclusively, paragraphs 1 through 36.

21 38. Risk of infection and death are irreparable injuries remediable by injunction. (*E.g., Harris v.*  
22 *Bd. of Supervisors* (9th Cir. 2004) 366 F.3d 754 759, 766. *See also City of Costa Mesa v. United*  
23 *States* (C.D. Cal. Feb. 21, 2020) No. 8:20-cv-00368-JLS, 2020 U.S. Dist. LEXIS 33650 [grating  
24 temporary restraining order against placement of persons infected with COVID-19 within city limits  
25 because such placement "threat[ens] immediate and irreparable injury"].)

26 39. Respondents' discretionary decision to require that periodic updates occur in-person, rather  
27 than through telephone or videoconferencing or other means, subjects Registrants and the general  
28 public to an unreasonable and untenable risk of harm, as confirmed by state and local authorities

1 who have ordered such Registrants to remain at home. There are alternative effective means to  
2 achieve the purposes of Section 290, such as providing the necessary information by telephone or  
3 through videoconference, or by delaying the collection of certain information until the COVID-19  
4 pandemic has ended. On information and belief, certain state and federal agencies, including but  
5 not limited to the California courts and the California Department of Motor Vehicle, have  
6 suspended numerous statutory or regulatory requirements to appear in person, and/or have tolled  
7 deadlines associated with appearing in person, due to the COVID-19 pandemic. In addition, on  
8 information and belief, some registering agencies within the State of California, such as the Los  
9 Angeles Police Department (“LAPD”), have suspended their requirement that Registrants appear in  
10 person for periodic updates. (See Exh. A.) The equities in this case demand that Respondents  
11 extend similar accommodation to Petitioners and other Registrants required to register in Los  
12 Angeles County Sheriff’s Department stations, and throughout California, because of the  
13 extraordinary needs and measures required by the current pandemic.

14 40. Mandamus, declaratory, and injunctive relief are warranted in this action because  
15 Respondents’ unlawful activity has caused, is causing, and will continue to cause immediate and  
16 irreparable harm to Petitioners, other Registrants, as well as the public at large by exposing  
17 Petitioners and other Registrants to increased risk of infection by the COVID-19 virus. In fact, the  
18 purpose of the stay-at-home order issued by the Governor of California is to prevent precisely the  
19 risks imposed by Respondents upon Registrants when Registrants are needlessly forced to appear in  
20 person at a Sheriff’s station. Yet, Respondents persist in requiring that Registrants appear in person  
21 for periodic updates.

22 41. There are no plain, adequate, complete, or speedy alternative remedies available to redress  
23 the violations of law committed by Respondents in this action, nor are there any available and non-  
24 futile administrative remedies available to redress the violations of law committed by Respondents.  
25 Damages are not adequate to protect Petitioners from the continuing effects of Respondents’  
26 violations of the law and from Respondents’ failure to carry out their duty under the law in  
27 compliance with the law. (Cal. Civ. Proc. Code § 1086.)

28 ///

**FIRST CLAIM FOR RELIEF**

**(Mandamus – Cal. Civ. Proc. Code § 1085)**

1  
2  
3 42. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
4 inclusively, paragraphs 1 through 41.

5 43. As recognized by state and local government, COVID-19 is transmittable in the community  
6 through person-to-person contact, or by contact with surfaces that host that virus. “There is no  
7 specific treatment, vaccine or cure for COVID-19.” (*Castillo v. Barr* (C.D. Cal. March 27, 2020),  
8 No. 20CV00605-TJH, 2020 U.S. Dist. LEXIS 54425, at p. \*5-\*6.) Therefore, the only means to  
9 slow the spread of COVID-19 and the coronavirus that causes the disease are “social distancing”  
10 and the avoidance of gatherings. (*See id.*) In order to minimize the risk to individuals as well as to  
11 society at large, the Governor of California has ordered all persons to stay at home unless departing  
12 for or returning from “essential” trips that do not include sex offender registration.

13 44. In addition, the California Sex Offender Registration Act neither requires nor authorizes 30-  
14 day, 90-day, or annual registration updates to be completed in person. Yet, Respondents have  
15 forced, and continue to force, Registrants to appear in person, even during the COVID-19 pandemic,  
16 despite the Governor’s Order that such persons remain at home. Forcing Registrants to appear at  
17 police and sheriff’s stations, which pose a risk of COVID-19 infection, for the purpose of periodic  
18 updates exposes Petitioners, other Registrants, law enforcement personnel, and the public at large,  
19 to increased risk of infection.

20 45. The state violates the rights of individuals when it subjects them to risk of physical harm and  
21 disease during required interactions with law enforcement. (*See Helling v. McKinney* (1994) 509  
22 U.S. 25, 33. *Castillo, supra*, 2020 U.S. Dist. LEXIS 54425, at p. \*8-\*14.)

23 46. The information required for 30-day, 90-day, and annual updates can be effectively obtained  
24 by Respondents without requiring Registrants to appear in person. In the alternative, Respondents  
25 have the discretion to stop in-person registration and/or to permit and process periodic updates  
26 through alternative methods, including but not limited to the telephone. Despite widespread  
27 availability of effective alternative methods of registration, Respondents refuse to use those  
28 methods, thereby unlawfully refusing to exercise that discretion.

1 47. By requiring Registrants to appear in person for periodic updates pursuant to Penal Code  
2 sections 290.011 and 290.012, Respondents have effectively added a requirement that is not  
3 contained in those statutes or any other applicable statute, in violation of the law, thereby abusing its  
4 discretion.

5 48. Petitioners are beneficially interested in the outcome of this mandamus action because  
6 Petitioners are adversely impacted by Respondents' failure to perform their duty in compliance with  
7 the law, as well as by Respondents' abuse of discretion, and because Petitioners' rights are infringed  
8 by Respondents' failure to perform their duty in compliance with the law, as well as by  
9 Respondents' abuse of discretion.

10 49. The injuries that Petitioners are suffering and will suffer as a result of the actions of  
11 Respondents, as well as their deputies, officials, officers, agents, and employees, are severe,  
12 irreparable, and ongoing, and there is no plain, adequate, complete, or speedy alternative remedies  
13 available to redress the violations of law committed by Respondents in this action, nor are there any  
14 available and non-futile administrative remedies available to redress the violations of law committed  
15 by Respondents. Damages are not adequate to protect Petitioners from the continuing effects of  
16 Respondents' violations of the law, from Respondents' abuse of their discretion under the law, and  
17 from Respondents' failure to carry out their duty as required by law. Therefore, immediate  
18 mandamus relief is necessary to halt and prevent further occurrence of these ongoing unlawful acts  
19 as well as the infliction of irreparable harm to Petitioners and all Registrants.

20 **SECOND CLAIM FOR RELIEF**

21 **(Declaratory Judgment – Cal. Civ. Proc. Code § 1060)**

22 50. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
23 inclusively, paragraphs 1 through 49.

24 51. There is an actual controversy as set forth in this Petition.

25 52. The California Sex Offender Registration Act neither requires nor authorizes 30-day, 90-  
26 day, or annual registration updates to be completed in person. Therefore, Respondents lack  
27 authority to require Registrants to appear in person for periodic updates pursuant to California Penal  
28 Code section 290.012.

1 53. Petitioners are informed and believe and thereon allege that Respondents, as well as their  
2 deputies, officials, officers, agents, and employees, have failed to comply and continue to fail to  
3 comply with the law, and have abused and are continuing to abuse their discretion under the law, by  
4 requiring Registrants in vulnerable populations as defined by national and state health care  
5 authorities to appear in person for their periodic registration updates amidst the COVID-19  
6 pandemic, as pled herein.

7 54. By requiring Registrants in vulnerable populations as defined by national and state health  
8 care agencies to appear in person for their periodic registration updates amidst the COVID-19  
9 pandemic, Respondents have violated the “basic constitutional right” of Plaintiffs and other  
10 Registrants “to be free of official action that is unreasonable, arbitrary, and oppressive.” (*In re*  
11 *Taylor* (2015) 60 Cal. 4th 1019, 1038.)

12 55. Petitioners therefore seek a declaration of their rights under California law, as well as a  
13 declaration of Respondents’ duties under the Sex Offender Registration Act, California Penal Code  
14 section 290, *et seq.*, and of the scope of Respondents’ discretion under that Act.

15 56. The injuries that Petitioners are suffering and will suffer as a result of the actions of  
16 Respondents, as well as their deputies, officials, officers, agents, and employees, are severe,  
17 irreparable, and ongoing, and there is no plain, adequate, complete, or speedy alternative remedies  
18 available to redress the violations of law committed by Respondents in this action, nor are there any  
19 available and non-futile administrative remedies available to redress the violations of law committed  
20 by Respondents. Damages are not adequate to protect Petitioners from the continuing effects of  
21 Respondents’ violations of the law, from Respondents’ abuse of their discretion under the law, and  
22 from Respondents’ failure to carry out their duty as required by law. Therefore, immediate  
23 mandamus relief is necessary to halt and prevent further occurrence of these ongoing unlawful acts  
24 as well as the infliction of irreparable harm to Petitioners and all Registrants.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Petitioners pray for judgment against Respondents Cal. DOJ, Becerra,  
27 LASD, and Villanueva as follows:

28 A. That the Court issue a peremptory writ of mandate directing Respondent LASD and

1 Villanueva to cease requiring persons required to register as a sex offender from  
2 appearing in person for 30-day, 90-day, and annual updates (“periodic updates”)  
3 pursuant to California Penal Code sections 290.011 and 290.012 until the threat of  
4 COVID-19 has ended;

5 B. That the Court issue a peremptory writ of mandate directing Respondents Cal. DOJ and  
6 Becerra to cease requiring persons required to register as a sex offender from appearing  
7 in person for 30-day, 90-day, and annual updates (“periodic updates”) pursuant to  
8 California Penal Code sections 290.011 and 290.012 until the threat of COVID-19 has  
9 ended;

10 C. That the Court issue a peremptory writ of mandate directing Respondents Cal. DOJ and  
11 Becerra to cease requiring local registering agencies to perform in-person registration for  
12 30-day, 90-day, and annual updates (“periodic updates”) pursuant to California Penal  
13 Code sections 290.011 and 290.012 until the threat of COVID-19 has ended;

14 D. For a judgment declaring that California Penal Code sections 290.011 and 290.012 and  
15 other applicable law do not require persons required to register as a sex offender to  
16 appear in person to complete periodic updates;

17 E. For a judgment declaring that Respondents lack authority under California Penal Code  
18 sections 290.011 and 290.012 and other applicable law to require persons required to  
19 register as a sex offender to appear in person to complete periodic updates;

20 F. For a judgment declaring that Respondents have abused their discretion under California  
21 Penal Code sections 290.011 and 290.012 and other applicable law by requiring persons  
22 required to register as a sex offender to appear in person to complete periodic updates;

23 G. For a temporary restraining order, preliminary injunction, and permanent injunction  
24 restraining Respondents from requiring persons required to register as a sex offender  
25 from appearing in person for periodic updates pursuant to California Penal Code sections  
26 290.011 and 290.012 until the threat of COVID-19 has ended;

27 ///


28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- H. That Petitioners recover from Respondents all of the Petitioners' reasonable attorneys' fees, costs, and expenses of this litigation; and
- I. For such other and further relief as the Court deems just and proper.

Dated: April 7, 2020

LAW OFFICE OF JANICE M. BELLUCCI

By:   
Janice M. Bellucci  
Attorney for Petitioners

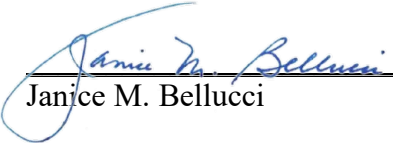


**VERIFICATION**

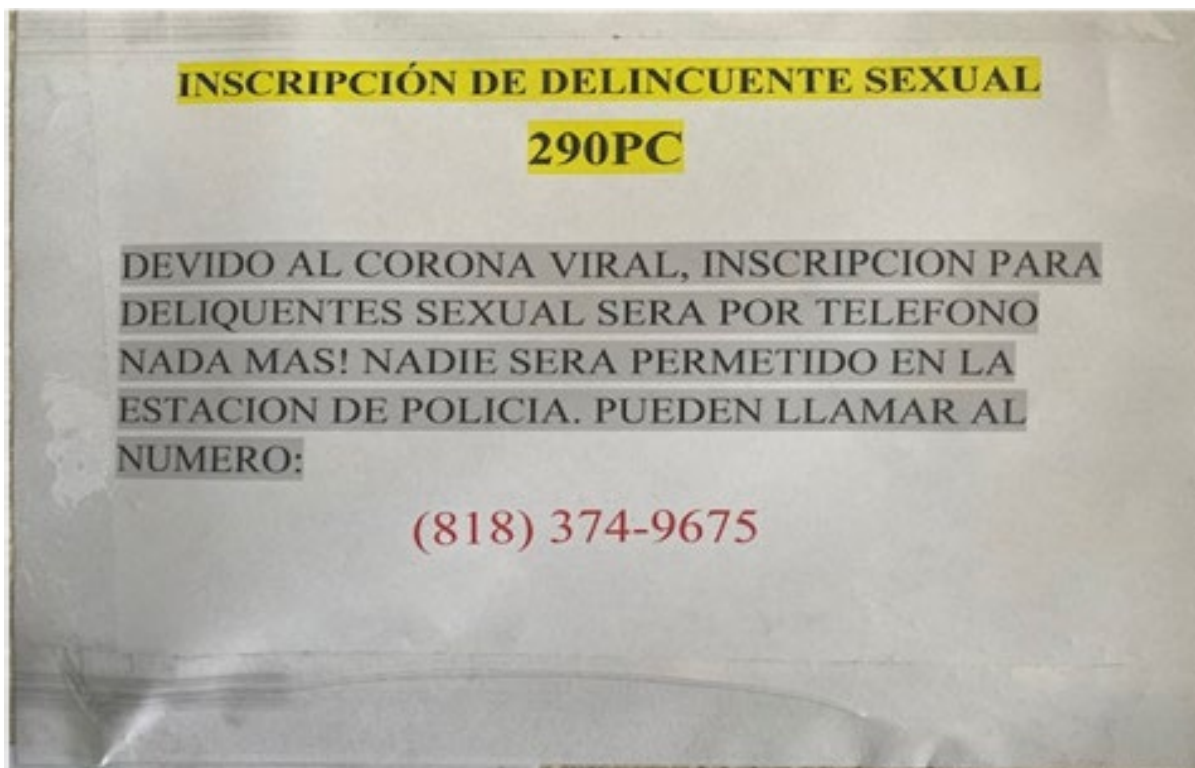
1  
2 I, Janice M. Bellucci, have read this FIRST AMENDED PETITION FOR WRIT OF  
3 MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF in the  
4 matter of *Alliance for Constitutional Sex Offense Laws, Inc., et al. v. California Department of*  
5 *Justice, et al.* I am the Executive Director of Petitioner Alliance for Constitutional Sex Offense  
6 Laws, Inc. and make this declaration on behalf of that entity. In addition, I am counsel of record for  
7 Petitioner John Doe in this action. Pursuant to Code of Civil Procedure section 446, I make this  
8 verification on behalf of Petitioners John Doe #1 and John Doe #2 because they reside in Los  
9 Angeles County, while my office is in the City of Sacramento. Unless otherwise noted, the facts  
10 alleged therein are within my personal knowledge and I know these facts to be true. As to the  
11 remainder of the Petition, I am informed, and do believe, that the matters therein are true, and on  
12 that ground allege that the matters stated therein are true.

13 Executed April 7, 2020, in Sacramento, California. I declare under the penalty of perjury  
14 under the laws of the State of California that the foregoing is true and correct.

15  
16 By:

  
\_\_\_\_\_  
Janice M. Bellucci

# **EXHIBIT A**



# **EXHIBIT B**



### SEX OFFENDER REGISTRATION

### CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type the required information and enter into the California Sex and Arson Registry (CSAR) application.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read and initial the registration requirements on pages 3, 4, and 5 of this form.
- Verify the registrant understands the requirements.
- Retain the original of this form.
- Provide a photocopy to the registrant as a receipt.

**FACILITY TYPE** (Enter alpha code in Facility Type field):

- Day Care Center .....DC
- Family Child Care Home .....FCH
- Group Home .....GH
- Foster Home .....FH
- Adult Day Care .....AD
- Sober Living Home .....SLH
- Elderly Care Home .....ECH

**REASON FOR REGISTRATION** (More than one box can be checked):

- ANNUAL     30 DAY (TRANSIENT)     90 DAY (SVP)     CHANGE OF ADDRESS     OTHER (e.g., Initial, Additional Address)

**REGISTRATION EVENT** (Check all that apply):

<input type="checkbox"/> <b>INITIAL</b> (1st 8102 in CSAR) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> Transient <input type="checkbox"/> <b>ADDITIONAL ADDRESS</b> (Concurrent) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> <b>UPDATE</b> (No Change in Registration Status)	<b>REGISTRANT HAS MOVED/CHANGE OF ADDRESS</b> <input type="checkbox"/> INTO JURISDICTION <input type="checkbox"/> INTO JURISDICTION FROM OUT OF STATE <input type="checkbox"/> WITHIN JURISDICTION <input type="checkbox"/> OUT OF JURISDICTION <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> <b>INACTIVATE ADDRESS</b> - If registrant has more than one registered address, list the address registrant is vacating from in the space below:  <hr style="width:100%;"/>	<input type="checkbox"/> <b>ABSCONDED</b> (LEA has verified whereabouts unknown) <input type="checkbox"/> <b>DEPORTATION</b> <input type="checkbox"/> <b>INCARCERATION</b> <input type="checkbox"/> CDCR <input type="checkbox"/> LOCAL <input type="checkbox"/> FED    INC DATE: _____ <input type="checkbox"/> DJJ <input type="checkbox"/> DSH/DDS <input type="checkbox"/> ICE
--	--	--

If the registrant is **DECEASED**, do not complete this form. To update a registrant to **DECEASED** status, complete and submit form **CJIS 8086B**.

FULL NAME OF REGISTRANT		Last		First		Middle		Suffix				
ALIASES		DATE OF BIRTH		CII NUMBER (SID)		DRIVER'S LICENSE/I.D. NUMBER		STATE		EXPIRATION DATE		
FCN NUMBER		SOCIAL SECURITY NUMBER		INSTITUTION NUMBER (CDCR, DJJ, or DSH)				FBI NUMBER				
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	PLACE OF BIRTH		ORIGINATING AGENCY CASE NUMBER (OCA)				
TYPE OF CONVICTION IF NON-CALIFORNIA OFFENSE <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> FEDERAL <input type="checkbox"/> MILITARY												
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 1				LOCATION		DESCRIPTION		PICTURE		TEXT		
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 2				LOCATION		DESCRIPTION		PICTURE		TEXT		
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 3				LOCATION		DESCRIPTION		PICTURE		TEXT		
HOME PHONE NUMBER				WORK PHONE NUMBER				CELLULAR PHONE NUMBER				
ADDRESS		Street Number and Name			Apt./Unit Number		CITY		STATE		ZIP CODE	
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other						LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO		FACILITY TYPE				
LOCATION(S) FREQUENTED BY TRANSIENT												
ADDITIONAL REGISTRATION ADDRESS		Street Number and Name			Apt./Unit Number		CITY		STATE		ZIP CODE	
<input type="checkbox"/> Residence <input type="checkbox"/> Campus <input type="checkbox"/> Employment												
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other						LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO		FACILITY TYPE				
CAMPUS REGISTRATION <input type="checkbox"/> Attending <input type="checkbox"/> Employed <input type="checkbox"/> Volunteer		CAMPUS NAME/ADDRESS			STREET NUMBER AND NAME		CITY		STATE		ZIP CODE	
										Registrant Rolled Right Thumbprint - If amputated, use next available finger		
SIGNATURE OF REGISTRANT						DATE						



### SEX OFFENDER REGISTRATION

### CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT		Last	First	Middle	CII NUMBER (SID)		DATE		
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number	City		State	Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		<input type="checkbox"/> Emergency Contact		NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)		
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number	City		State	Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		<input type="checkbox"/> Emergency Contact		NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)		
OCCUPATION			EMPLOYER'S NAME				DATE CURRENT EMPLOYMENT BEGAN		
EMPLOYER'S ADDRESS			Street Number and Name		Suite/Unit Number	City		State	Zip Code
WORK ADDRESS (If different than Employer's Address)			Street Number and Name		Suite/Unit Number	City		State	Zip Code
REGISTERING AGENCY ( <i>Do Not Abbreviate</i> )				REGISTERING OFFICER'S NAME AND TITLE					
REGISTERING AGENCY'S E-MAIL ADDRESS				PHONE NUMBER		ORI		MNEMONIC	DNA COLLECTED? <input type="checkbox"/> YES <input type="checkbox"/> NO
PROBATION/PAROLE OFFICER							PHONE NUMBER		
COMMENTS (Include additional, new or modified Scars, Marks, Tattoos, and Other Characteristics)									
<b>ADDRESS/RESIDENCE DEFINITIONS:</b>									
<b>ADDRESS</b> - Address at which I regularly reside, regardless of the number of days or nights spent there.									
<b>ADDITIONAL ADDRESS</b> - Additional address at which I regularly reside, regardless of the number of days or nights spent there.									
<b>RELATED ADDRESS</b> - Address of a relative or other person who is likely to know how to contact me.									
<b>EMPLOYER'S NAME/ADDRESS</b> - The name and address of my employer (e.g., company, individual, entity), and the address of that employer.									
<b>WORK ADDRESS</b> - The address at which I work.									
<b>RESIDENCE</b> - One or more addresses at which I regularly reside, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.									
<b>HAS YOUR VEHICLE INFORMATION CHANGED SINCE YOUR LAST REGISTRATION? IF SO, PLEASE PROVIDE THE UPDATED VEHICLE INFORMATION BELOW.</b>									
HAVE YOU SOLD OR STOPPED REGULARLY DRIVING A VEHICLE SINCE YOUR LAST REGISTRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO									
VEHICLE #1			<b>VEHICLES OWNED, REGISTERED, OR REGULARLY DRIVEN</b>				VEHICLE #2		
<input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven							<input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven		
VEHICLE (#1) IDENTIFICATION NUMBER (VIN)					VEHICLE (#2) IDENTIFICATION NUMBER (VIN)				
LICENSE PLATE NUMBER #1		STATE	TYPE	YEAR OF EXPIRATION	LICENSE PLATE NUMBER #2		STATE	TYPE	YEAR OF EXPIRATION
VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR	VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR		
END DATE			MAKE			MODEL			
								Registrant Rolled Right Thumbprint - If amputated, use next available finger	
SIGNATURE OF REGISTRANT					DATE				



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
--------------------	------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

1. \_\_\_\_\_ My responsibility to register as a sex offender in California is a lifetime requirement, except as provided in Pen. Code, § 290.005, Pen. Code, § 290.5, or by court order.
2. \_\_\_\_\_ I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
3. \_\_\_\_\_ I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
4. \_\_\_\_\_ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
5. \_\_\_\_\_ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
6. \_\_\_\_\_ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)
7. \_\_\_\_\_ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
8. \_\_\_\_\_ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
9. \_\_\_\_\_ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
10. \_\_\_\_\_ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
11. \_\_\_\_\_ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.

**REGISTRATION REQUIREMENTS CONTINUE ON PAGE 4**

**I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.**

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE





**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
--------------------	------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

12. \_\_\_ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
13. \_\_\_ If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
14. \_\_\_ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
15. \_\_\_ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)
16. \_\_\_ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).
17. \_\_\_ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
18. \_\_\_ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
19. \_\_\_ I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
20. \_\_\_ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)

**REGISTRATION REQUIREMENTS CONTINUE ON PAGE 5**

I have been notified of my duty to register as a sex offender pursuant to Pen. Code §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE



**SEX OFFENDER REGISTRATION**  
**CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**  
**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED Last	First	Middle	CII NUMBER (SID)	DATE
------------------------------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

- 21. \_\_\_ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
- 22. \_\_\_ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
- 23. \_\_\_ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

**Privacy Notice**

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.023 and 290.01. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide requested information may result in your address change not being processed.

**Access to Your Information.** Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

**Possible Disclosure of Personal Information.** The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE

**California Department of Justice**  
**California Sex Offender Registry (CSOR)**  
**P.O. Box 903387**  
**Sacramento, CA 94203-3870**

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 108,911 NAME: Janice M. Bellucci FIRM NAME: Law Office of Janice M. Bellucci STREET ADDRESS: 1215 K Street, 17th Floor CITY: Sacramento STATE: CA ZIP CODE: 95814 TELEPHONE NO.: 805.896.7854 FAX NO.: 916.823.5248 E-MAIL ADDRESS: jmbellucci@aol.com ATTORNEY FOR (name): Petitioners/Plaintiffs	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: 20STCV12138
PLAINTIFF/PETITIONER: Alliance for Constitutional Sex Offense Laws, Inc., et al. DEFENDANT/RESPONDENT: California Department of Justice, et al.	JUDICIAL OFFICER: Hon. Jon R. Takasugi
<b>PROOF OF ELECTRONIC SERVICE</b>	DEPARTMENT: 17

1. I am at least 18 years old.
  - a. My residence or business address is (*specify*):  
 Law Office of Janice M. Bellucci  
 1215 K Street, 17th Floor, Sacramento, CA 95814
  - b. My electronic service address is (*specify*):  
 jmbellucci@aol.com; service@all4consolaws.org
2. I electronically served the following documents (*exact titles*):  
 FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (CAL. CIV. PROC. CODE §§ 1085, 1060)

The documents served are listed in an attachment. (*Form POS-050(D)/EFS-050(D) may be used for this purpose.*)

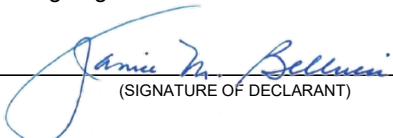
3. I electronically served the documents listed in 2 as follows:
  - a. Name of person served: Aaron Jones, counsel for Respondents California Department of Justice and Xavier Becerra  
 On behalf of (*name or names of parties represented, if person served is an attorney*):  
 Respondents California Department of Justice and Xavier Becerra
  - b. Electronic service address of person served :  
 Aaron.Jones@doj.ca.gov
  - c. On (*date*): April 9, 2020

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. (*Form POS-050(P)/EFS-050(P) may be used for this purpose.*)

Date: April 9, 2020

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

\_\_\_\_\_  
 Janice M. Bellucci  
 (TYPE OR PRINT NAME OF DECLARANT)

  
 (SIGNATURE OF DECLARANT)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# RJN No. 2

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 1

**20STCV12138**

April 17, 2020

**ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS,  
INC., A CALIFORNIA NON-PROFIT CORPORATION, et al.  
vs CALIFORNIA DEPARTMENT OF JUSTICE, et al.**

8:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N DiGiambattista  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

---

**APPEARANCES:**

For Petitioner(s): Janice M. Bellucci (Telephonic) (X)

For Respondent(s): Michael Daniel Allen (X) (Telephonic); Aaron David Jones (x) (Telephonic)

---

---

**NATURE OF PROCEEDINGS: EX PARTE APPLICATION OF PLAINTIFF, ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Matter, continued from April 14, 2020, is called for hearing in Department One.

.  
The court orally announces its tentative ruling to all counsel.

.  
After hearing argument, the court adopts its tentative ruling as the order of the court.

The temporary restraining order is denied. Plaintiffs have shown no or very little likelihood of success on the merits. While plaintiffs have shown potential harm from denial of the temporary restraining order, defendants have also shown potential harm from issuance of the temporary restraining order. The balance of harms does not tip appreciably in plaintiff's favor.


.  
It appearing to the court that this case belongs to the writs and receivers department, the case is transferred to Department One for reassignment.

.  
Notice is waived.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RJN No. 3**



<p>California Department of Justice  <b>CALIFORNIA JUSTICE</b>  <b>INFORMATION SERVICES DIVISION</b>          Joe Dominic, Chief</p> 	<h1 style="margin: 0;">INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p>Executive Order N-63-20, RE: Sex Offender Registration</p>	<p><i>No.</i></p> <p style="text-align: center;">20-07-CJIS</p> <hr/> <p><i>Date:</i></p> <p style="text-align: center;">05-12-2020</p>	<p><i>Contact for information:</i></p> <p>California Sex Offender Registry          (916) 210-3113  <a href="mailto:CASEX-Reg@doj.ca.gov">CASEX-Reg@doj.ca.gov</a></p>

**TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES**

Effective May 7, 2020, pursuant to Executive Order N-63-20, law enforcement agencies (LEAs) are encouraged to adopt telephonic, remote, or other procedures for registration and reporting under the Sex Offender Registration Act (Penal Code sections 290 to 290.024, inclusive (the Act)). Such procedures must be consistent with state and local public health guidance regarding physical distancing, and LEAs are encouraged to post or publicize such procedures through means calculated to reach any person subject to the Act (registrants).

Pursuant to Executive Order N-63-20, to the extent an LEA institutes telephonic, remote, or other procedures to enable physical distancing, all provisions of the Act and implementing procedures that require registrants to appear in person, and all provisions of the Act and implementing procedures that require registrants to provide a signature, fingerprints, and photograph, are suspended for 60 days.

To ensure that lack of technology does not prevent any individual from complying with registration and reporting requirements, LEAs are encouraged to provide alternative means of registration and reporting, including permitting the physical presence of registrants consistent with state and local public health guidance regarding physical distancing.

The requirement to register and all other registration and reporting requirements of the Act remain in place.

\*\*\*

This Information Bulletin is being issued to provide guidance to LEAs regarding the implementation of Executive Order N-63-20.

In accordance with Executive Order N-63-20, for the next 60 days, fingerprints, signatures, initials, or photographs of a registrant are no longer required in order to process CJIS 8047 and CJIS 8102S forms. If an agency uses LiveScan machines as standard protocol to enter registration information into the California Sex and Arson Registry (CSAR) via the Registration type of transaction (REG TOT), agencies should manually enter all information into CSAR via CSAR's graphical user interface.

Agencies should consult their agency counsel, City Attorney's Office and/or County Counsel's Office regarding any local directive which might affect registrants' abilities to complete registration and to determine the proper implementation of Executive Order N-63-20 for their agency.

Due to the current COVID-19 pandemic, registering agencies may be employing different registration procedures; therefore, it is recommended that partner agencies remain in close communication in enforcing registration requirements.



Please find below specific instructions regarding the completion and submission of the CJIS 8047 and CJIS 8102S forms. Complete either the CJIS 8047 or the CJIS 8102S form pursuant to standard procedures for the type of registration event. Please fingerprint and photograph the registrant at their next registration event as required under the Act following the expiration of Executive Order N-63-20.

### **CJIS 8047: Notice of Sex Offender Registration Requirement Form**

**Page 1:** Confirm all data fields. Registering official to sign and date in “Statement of Notifying Officer” section. Recite admonishment contained within signature block and ask registrant to confirm understanding. Registering official to sign and date, note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of admonishment and acknowledged admonishment” in “Statement of Person Notified” section. Do not provide a thumbprint.

**Page 2:** Recite admonishments 1-12 and ask registrant to confirm understanding of each admonishment.

**Page 3:** Recite admonishments 13-23 and ask registrant to confirm understanding of each admonishment. Registering official to sign and date in “Comments” field and note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of each admonishment on pages 2 and 3 and acknowledged each admonishment on pages 2 and 3.”

**Page 4:** Recite privacy notice and admonishment in signature block to registrant and ask registrant to confirm understanding of privacy notice and admonishment. Registering officer to sign and date in signature block and note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of privacy notice and admonishment in signature block and acknowledged privacy notice and admonishment.”

Do not take, submit, or upload photograph of registrant.

**CSAR Entry:** Forward to the California Department of Justice for entry.

### **CJIS 8102S: Sex Offender Registration Change of Address/Annual or Other Update Form**

**Page 1:** Confirm all data fields with registrant. Ensure that all information is confirmed at the next in-person registration event. Registering official to sign and date in “Statement of Notifying Officer” section. Registering official to sign, date, and note “Completed on behalf of and with consent of [Registrant name]” in “Statement of Person Notified” section. Do not provide a thumbprint.

**Page 2:** Confirm all data fields with registrant. Registering official to sign and date, note “Completed on behalf of and with consent of [Registrant name].” Do not provide a thumbprint.

**Page 3:** Recite admonishments 1-11 and admonishment contained within signature block and ask registrant to confirm understanding of each admonishment. Registering official to sign and date in signature block and note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of each admonishment and acknowledged each admonishment, including admonishment in signature block.” Do not provide a thumbprint.

**Page 4:** Recite admonishments 12-20 and admonishment contained within signature block and ask registrant to confirm understanding of each admonishment. Registering official to sign

and date in signature block and note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of each admonishment and acknowledged each admonishment, including admonishment in signature block.” Do not provide a thumbprint.

**Page 5:** Recite admonishments 21-23 and ask registrant to confirm understanding of each admonishment. Recite privacy notice and admonishment in signature block to registrant and ask registrant to confirm understanding of privacy notice and admonishment. Registering official to sign and date in signature block and note “Completed on behalf of and with consent of [Registrant name]. [Registrant name] notified of each admonishment and acknowledged each admonishment, including admonishment in signature block. [Registrant name] notified of privacy notice and acknowledged privacy notice.” Do not provide a thumbprint.

Do not take, submit, or upload photograph of registrant.

**CSAR Entry:** Enter all information into CSAR directly. Maintain original.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Dominic', with a long horizontal flourish extending to the right.

JOE DOMINIC, Chief  
California Justice Information Services Division

For XAVIER BECERRA  
Attorney General

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# RJN No. 4



### NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT

#### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type required information and submit the original form to the Department of Justice (DOJ) within three (3) business days.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read, sign, and initial the registration requirements on pages 2 and 3 of this form.
- Verify the registrant understands the requirements.
- Retain a copy of this form; provide a copy of this form to the Notifying Agency (if different than Registering Agency) and to the Registrant.
- Send this original form to the California Department of Justice, California Sex Offender Registry, P.O. Box 903387, Sacramento, CA 94203-3870

<b>PERSONAL HISTORY INFORMATION</b>	FULL NAME OF PERSON NOTIFIED		Last	First	Middle	Suffix		
	DATE OF BIRTH	CII NUMBER (SID)	SOCIAL SECURITY NUMBER		FBI NUMBER	INSTITUTION NUMBER		
	DRIVER'S LICENSE/I.D. NUMBER		SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS			LOCATION	DESCRIPTION	PICTURE	TEXT	
<b>CONVICTION INFORMATION</b>	ARRESTING AGENCY		DATE OF ARREST	PROSECUTING AGENCY		NAME OF COURT		
	REGISTERABLE CONVICTION	<input type="checkbox"/> MISDEMEANOR	<input type="checkbox"/> FELONY	ADULT OR JUVENILE CONVICTION		CONVICTION DATE	CASE NUMBER	
	CONVICTION TYPE (Check all that apply)		DATE OF SCHEDULED DISCHARGE OR RELEASE		DATE SUPERVISION ENDS			
<b>RELEASE INFORMATION</b>	FULL ADDRESS WHERE I EXPECT TO RESIDE UPON RELEASE FROM CUSTODY <u>OR</u> LOCATION(S) FREQUENTED BY TRANSIENT					<input type="checkbox"/> SUBJECT IS TRANSIENT		
	RELATED ADDRESS (Emergency Contact)			I PLAN TO RESIDE OUTSIDE OF CALIFORNIA WITHIN FIVE (5) DAYS OF MY RELEASE			<input type="checkbox"/> YES <input type="checkbox"/> NO	
	NAME OF AGENCY SUPERVISING PAROLE OR PROBATION			NAME OF SUPERVISING PAROLE OR PROBATION OFFICER				
	PAROLE/PROBATION AGENCY ADDRESS		CITY	STATE	ZIP CODE	TELEPHONE NUMBER		
	NOTIFYING AGENCY		ORI	MNEMONIC		TELEPHONE NUMBER		
<b>STATEMENT OF NOTIFYING OFFICER</b>	AGENCY ADDRESS		CITY	STATE	ZIP CODE	NOTIFYING AGENCY E-MAIL ADDRESS		
	I certify that I notified the individual described above of his or her duty to register under provisions of the applicable statute(s), and I verified the individual understands the registration requirements. <b>DO NOT UTILIZE A STAMP TO INDICATE NAME, TITLE, OR SIGNATURE.</b>							
NAME & TITLE OF NOTIFYING OFFICER (Print or Type ONLY)		OFFICER'S ORIGINAL SIGNATURE (No Stamp)			DATE			
<b>STATEMENT OF PERSON NOTIFIED</b>	I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 2 and 3 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.					Registrant Rolled Right Thumbprint - If amputated, use next available finger		
	(NOTE: THIS FORM DOES NOT COMPLETE YOUR DUTY TO REGISTER. UPON RELEASE FROM INCARCERATION OR RELEASE INTO SUPERVISION, YOU MUST REGISTER IN PERSON WITHIN FIVE (5) WORKING DAYS TO COMPLETE THE REGISTRATION PROCESS.)							
SIGNATURE OF PERSON BEING NOTIFIED					DATE			





### NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT

#### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
-------------------------	------	-------	--------	------------------	------

#### REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS\*

1. \_\_\_\_\_ My responsibility to register as a sex offender in California is a lifetime requirement, except as provided in Pen. Code, §§ 290.005, 290.5, or by court order.
2. \_\_\_\_\_ I must register in person, if I have never registered, within five (5) working days of 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
3. \_\_\_\_\_ I must re-register in person, if I have previously registered, within five (5) working days after release from incarceration, placement, or commitment that lasted thirty (30) or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than thirty (30) days and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
4. \_\_\_\_\_ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
5. \_\_\_\_\_ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
6. \_\_\_\_\_ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location within five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)
7. \_\_\_\_\_ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
8. \_\_\_\_\_ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
9. \_\_\_\_\_ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every thirty (30) days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
10. \_\_\_\_\_ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
11. \_\_\_\_\_ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than twenty-one (21) days before I intend to travel internationally.
12. \_\_\_\_\_ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every ninety (90) days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)

\*DEFINITION: "Residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.



### NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT

#### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
-------------------------	------	-------	--------	------------------	------

#### REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS\*

13. \_\_\_\_\_ If I have more than one (1) residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at the registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
14. \_\_\_\_\_ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
15. \_\_\_\_\_ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department, or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)
16. \_\_\_\_\_ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the DOJ Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).
17. \_\_\_\_\_ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
18. \_\_\_\_\_ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
19. \_\_\_\_\_ I must provide proof of residence to the registering agency within thirty (30) days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
20. \_\_\_\_\_ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)
21. \_\_\_\_\_ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
22. \_\_\_\_\_ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
23. \_\_\_\_\_ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under sixteen (16) years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

#### COMMENTS

\*DEFINITION: "Residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.



## NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT

### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
-------------------------	------	-------	--------	------------------	------

#### Privacy Notice

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division of the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.023 and 290.01. The CJIS Division uses this information to register a sex offender as mandated by law. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide the mandatory personal information will result in your form not being processed.

**Access to Your Information.** You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** In order to register a sex offender as mandated by law, we may need to share the information you give us with law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes; and
- To another government agency as required by state or federal law.

**Contact Information.** For questions about this notice or information on your registrant records, you may contact the California Sex Offender Registry manager by phone at (916) 210-3113, by e-mail at [MegansLaw@doj.ca.gov](mailto:MegansLaw@doj.ca.gov), or via mail at:

The Department of Justice  
California Sex Offender Registry  
P.O. Box 903387  
Sacramento, CA 94203-3870

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 2 and 3 of this form.

I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate.

I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17

SIGNATURE OF REGISTRANT

DATE

*Return the original, completed, and signed form to:*

The Department of Justice  
ATTN: California Sex Offender Registry  
P.O. Box 903387  
Sacramento, CA 94203-3870

(NOTE: This is not a registration form. Please use the CJIS 8102S form for registration purposes.)

**DISTRIBUTION:** Original to DOJ/CSOR; copy to law enforcement agency having jurisdiction over address; copy to Notifying Agency; and copy to registrant



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# RJN No. 5

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



### SEX OFFENDER REGISTRATION

### CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type the required information and enter into the California Sex and Arson Registry (CSAR) application.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read and initial the registration requirements on pages 3, 4, and 5 of this form.
- Verify the registrant understands the requirements.
- Retain the original of this form.
- Provide a photocopy to the registrant as a receipt.

**FACILITY TYPE** (Enter alpha code in Facility Type field):

- Day Care Center ..... DC
- Family Child Care Home ..... FCH
- Group Home ..... GH
- Foster Home ..... FH
- Adult Day Care ..... AD
- Sober Living Home ..... SLH
- Elderly Care Home ..... ECH

**REASON FOR REGISTRATION** (More than one box can be checked):

- ANNUAL     30 DAY (TRANSIENT)     90 DAY (SVP)     CHANGE OF ADDRESS     OTHER (e.g., Initial, Additional Address)

**REGISTRATION EVENT** (Check all that apply):

<input type="checkbox"/> <b>INITIAL</b> (1st 8102 in CSAR) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> Transient  <input type="checkbox"/> <b>ADDITIONAL ADDRESS</b> (Concurrent) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA)  <input type="checkbox"/> <b>UPDATE</b> (No Change in Registration Status)	<b>REGISTRANT HAS MOVED/CHANGE OF ADDRESS</b> <input type="checkbox"/> INTO JURISDICTION <input type="checkbox"/> INTO JURISDICTION FROM OUT OF STATE <input type="checkbox"/> WITHIN JURISDICTION <input type="checkbox"/> OUT OF JURISDICTION <input type="checkbox"/> OUT OF STATE  <input type="checkbox"/> <b>INACTIVATE ADDRESS</b> - If registrant has more than one registered address, list the address registrant is vacating from in the space below:  	<input type="checkbox"/> <b>ABSCONDED</b> (LEA has verified whereabouts unknown) <input type="checkbox"/> <b>DEPORTATION</b> <input type="checkbox"/> <b>INCARCERATION</b> <input type="checkbox"/> CDCR <input type="checkbox"/> LOCAL <input type="checkbox"/> FED    INC DATE: <input type="checkbox"/> DJJ <input type="checkbox"/> DSH/DDS <input type="checkbox"/> ICE
--	---	--

If the registrant is **DECEASED**, do not complete this form. To update a registrant to **DECEASED** status, complete and submit form **CJIS 8086B**.

FULL NAME OF REGISTRANT		Last	First	Middle	Suffix		
ALIASES		DATE OF BIRTH	CII NUMBER (SID)	DRIVER'S LICENSE/I.D. NUMBER	STATE	EXPIRATION DATE	
FCN NUMBER		SOCIAL SECURITY NUMBER		INSTITUTION NUMBER (CDCR, DJJ, or DSH)		FBI NUMBER	
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	PLACE OF BIRTH	ORIGINATING AGENCY CASE NUMBER (OCA)
TYPE OF CONVICTION IF NON-CALIFORNIA OFFENSE <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> FEDERAL <input type="checkbox"/> MILITARY							
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 1		LOCATION	DESCRIPTION	PICTURE	TEXT		
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 2		LOCATION	DESCRIPTION	PICTURE	TEXT		
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 3		LOCATION	DESCRIPTION	PICTURE	TEXT		
HOME PHONE NUMBER		WORK PHONE NUMBER		CELLULAR PHONE NUMBER			
ADDRESS		Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE	
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other			LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO	FACILITY TYPE			
LOCATION(S) FREQUENTED BY TRANSIENT							
ADDITIONAL REGISTRATION ADDRESS <input type="checkbox"/> Residence <input type="checkbox"/> Campus <input type="checkbox"/> Employment		Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE	
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other			LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO	FACILITY TYPE			
CAMPUS REGISTRATION <input type="checkbox"/> Attending <input type="checkbox"/> Employed <input type="checkbox"/> Volunteer		CAMPUS NAME/ADDRESS		STREET NUMBER AND NAME	CITY	STATE	ZIP CODE
_____ SIGNATURE OF REGISTRANT						_____ DATE	
Registrant Rolled Right Thumbprint - If amputated, use next available finger							



### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

#### Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT		Last	First	Middle	CII NUMBER (SID)	DATE	
RELATED ADDRESS (e.g., Mailing, Emergency Contact)		Street Number and Name		Apt./Unit Number	City	State	Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (If emergency contact is checked)		RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)			
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (If emergency contact is checked)		RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)			
RELATED ADDRESS (e.g., Mailing, Emergency Contact)		Street Number and Name		Apt./Unit Number	City	State	Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (If emergency contact is checked)		RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)			
OCCUPATION		EMPLOYER'S NAME				DATE CURRENT EMPLOYMENT BEGAN	
EMPLOYER'S ADDRESS		Street Number and Name		Suite/Unit Number	City	State	Zip Code
WORK ADDRESS (If different than Employer's Address)		Street Number and Name		Suite/Unit Number	City	State	Zip Code
REGISTERING AGENCY (Do Not Abbreviate)				REGISTERING OFFICER'S NAME AND TITLE			
REGISTERING AGENCY'S E-MAIL ADDRESS				PHONE NUMBER	ORI	MNEMONIC	DNA COLLECTED? <input type="checkbox"/> YES <input type="checkbox"/> NO
PROBATION/PAROLE OFFICER						PHONE NUMBER	
COMMENTS (Include additional, new or modified Scars, Marks, Tattoos, and Other Characteristics)							
<p><b>ADDRESS/RESIDENCE DEFINITIONS:</b></p> <p><b>ADDRESS</b> - Address at which I regularly reside, regardless of the number of days or nights spent there.</p> <p><b>ADDITIONAL ADDRESS</b> - Additional address at which I regularly reside, regardless of the number of days or nights spent there.</p> <p><b>RELATED ADDRESS</b> - Address of a relative or other person who is likely to know how to contact me.</p> <p><b>EMPLOYER'S NAME/ADDRESS</b> - The name and address of my employer (e.g., company, individual, entity), and the address of that employer.</p> <p><b>WORK ADDRESS</b> - The address at which I work.</p> <p><b>RESIDENCE</b> - One or more addresses at which I regularly reside, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.</p>							
<b>HAS YOUR VEHICLE INFORMATION CHANGED SINCE YOUR LAST REGISTRATION? IF SO, PLEASE PROVIDE THE UPDATED VEHICLE INFORMATION BELOW.</b>							
HAVE YOU SOLD OR STOPPED REGULARLY DRIVING A VEHICLE SINCE YOUR LAST REGISTRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO							
VEHICLE #1		<b>VEHICLES OWNED, REGISTERED, OR REGULARLY DRIVEN</b>				VEHICLE #2	
<input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven						<input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven	
VEHICLE (#1) IDENTIFICATION NUMBER (VIN)				VEHICLE (#2) IDENTIFICATION NUMBER (VIN)			
LICENSE PLATE NUMBER #1	STATE	TYPE	YEAR OF EXPIRATION	LICENSE PLATE NUMBER #2	STATE	TYPE	YEAR OF EXPIRATION
VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR	VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR
END DATE		MAKE			MODEL		
						Registrant Rolled Right Thumbprint - If amputated, use next available finger	
SIGNATURE OF REGISTRANT				DATE			



**SEX OFFENDER REGISTRATION**

**CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
--------------------	------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

1. \_\_\_\_\_ My responsibility to register as a sex offender in California is a lifetime requirement, except as provided in Pen. Code, § 290.005, Pen. Code, § 290.5, or by court order.
2. \_\_\_\_\_ I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
3. \_\_\_\_\_ I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
4. \_\_\_\_\_ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
5. \_\_\_\_\_ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
6. \_\_\_\_\_ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)
7. \_\_\_\_\_ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
8. \_\_\_\_\_ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
9. \_\_\_\_\_ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
10. \_\_\_\_\_ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
11. \_\_\_\_\_ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.

**REGISTRATION REQUIREMENTS CONTINUE ON PAGE 4**

**I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.**

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
--------------------	------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

12. \_\_\_ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
13. \_\_\_ If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
14. \_\_\_ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
15. \_\_\_ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)
16. \_\_\_ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).
17. \_\_\_ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
18. \_\_\_ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
19. \_\_\_ I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
20. \_\_\_ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)

**REGISTRATION REQUIREMENTS CONTINUE ON PAGE 5**

I have been notified of my duty to register as a sex offender pursuant to Pen. Code §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
-------------------------	------	-------	--------	------------------	------

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

21. \_\_\_ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
22. \_\_\_ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
23. \_\_\_ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

**Privacy Notice**

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.023 and 290.01. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide requested information may result in your address change not being processed.

**Access to Your Information.** Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

**Possible Disclosure of Personal Information.** The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE

**California Department of Justice  
California Sex Offender Registry (CSOR)  
P.O. Box 903387  
Sacramento, CA 94203-3870**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RJN No. 6**

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

**EXECUTIVE ORDER N-63-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have affected governmental agencies, workers, private businesses, and California residents, with associated impacts on adherence to certain statutory and regulatory deadlines, as well as to workers' efforts to vindicate their labor and employment rights; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have also had widespread impacts on state and local governments' ability to perform certain functions via in-person interactions, and such functions should be performed via other means to the extent consistent with public safety and other critical public interests; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time in which to complete the evaluation required under Education Code section 17311(b)(3) (concerning Public School Project Inspectors) is extended to September 1, 2020, as to any inspector who has previously passed an initial evaluation under that subdivision and whose reevaluation would otherwise be due on or before May 6, 2020.
- 2) Notwithstanding the three-year period set forth in Government Code section 4459.8(a), any certification under Government Code section 4459.5 (concerning Certified Access Specialists) that would otherwise have expired between March 19, 2020 and May 31, 2020 is extended for 60 days from the date of this Order. Such certifications may be subject to further renewal as otherwise provided by law.



- 3) The timeframes set forth in Health and Safety Code sections 13144.2, and 13144.3, are suspended for 60 days. As a result, the deadline for submitting applications under Health and Safety Code section 13144.2 is extended to June 30, 2020, and current listings under Health and Safety Code section 13144.3 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a renewal fee under Health and Safety Code section 13144.2, if that fee is received by June 30, 2020.
- 4) The timeframes set forth in Health and Safety Code sections 13127 and 13128 are suspended for 60 days. As a result, the deadline for renewing registrations under Health and Safety Code section 13127 is extended to June 30, 2020, and current registrations under Health and Safety Code section 13128 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a registration fee under Health and Safety Code section 13127, subdivision (c)(1), if that fee is received by June 30, 2020.
- 5) The timeframes set forth in California Code of Regulations, Title 19, sections 938, 939, and 944 are suspended for 60 days. As a result, both current certifications and the deadlines for renewing those certifications under California Code of Regulations, Title 19, sections 938 and 939 are extended to August 29, 2020. In addition, the deadline for filing a notice of renewal under California Code of Regulations, Title 19, sections 944 is extended to June 30, 2020, and no late fee shall be charged if a notice of renewal is received by that date.
- 6) The term of office specified in Government Code section 8204 is extended for a period of 60 days for any notary public whose commission has expired since March 1, 2020 or whose commission is set to expire over the next 60 days, on the conditions that:
  - a) The notary public shall annotate on each notarial act completed during the extension the following: "The notary commission extended pursuant to Executive Order N-63-20."; and
  - b) The notary public shall maintain a valid surety bond pursuant to Government Code section 8212 during the extension.
- 7) The requirement in Civil Code section 1185(b)(3)(A) that an identification card or driver's license issued by the California Department of Motor Vehicles is current or has been issued within the last 5 years in order to serve as satisfactory evidence of identity for an officer or notary public to acknowledge an instrument is, for a period of 60 days, suspended with respect to any identification card or driver's license issued by the California Department of Motor Vehicles showing an expiration date of March 1, 2020 or later.

- 8) The deadlines specified in the following statutes and regulations shall be extended for a period of 60 days:
- a) Labor Code sections 142.2 and 147, related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board (OSHSB) on proposed standards or variances;
  - b) Labor Code section 99, related to the Labor Commissioner's filing of claims and liens of employees, and Civil Code section 8414 to the extent it governs the deadlines for filing and recording such claims and liens;
  - c) Labor Code sections 4616(b)(1) and California Code of Regulations, Title 8, sections 9767.2(a) and (b) and 9767.8(d), related to the period in which the administrative director must act upon Medical Provider Network applications or requests for modifications or reapprovals;
  - d) California Code of Regulations, Title 8, section 17304, related to the period in which the Return-To-Work Supplement Program must receive an application for a Return-to-Work Supplement;
  - e) California Code of Regulations, title 8, section 17309, related to filing a Return-to Work Supplement appeal and any reply or responsive papers;
  - f) Labor Code section 123.5 and California Code of Regulations, Title 8, sections 9713, 9714, and 9714.5, related to the period in which Workers' Compensation Administrative Law Judges must file decisions;
  - g) Labor Code 5313, related to the period in which the Workers' Compensation Appeals Board must act on any decision submitted by a Workers' Compensation Administrative Law Judge;
  - h) Government Code section 3505.4(a) and California Code of Regulations, Title 8, section 32802(a)(1), related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Meyers-Milias-Brown Act post-impasse resolution procedures;
  - i) Government Code section 3548.1, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures; and
  - j) Government Code section 3591, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures.



- 9) The deadlines specified in or that apply to the following statutes and regulations shall be extended for a period of 60 days to the limited extent that the time to issue a citation or file a complaint, claim, or appeal would otherwise elapse in the 60-day period following this Order:
- a) All Labor Code sections and related regulations setting the time for the Labor Commissioner to issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741;
  - b) All Labor Code sections and related regulations setting deadlines for any employer or other person to appeal or petition for review of any citation issued by the Labor Commissioner;
  - c) Labor Code sections 98, 98.7, 1700.44, and 2673.1, related to workers' rights to file complaints and initiate proceedings with the Labor Commissioner;
  - d) Labor Code section 6317, related to the issuance of Cal/OSHA citations; and
  - e) Labor Code sections 6319, 6600, 6600.5, 6601, and 6601.5, related to the appeal of citations, notices, or orders of Cal/OSHA.
- 10) Any statute or regulation that requires a public employer to post notice on "employee bulletin boards" is suspended, provided that the public employer provides such notice to its employees through electronic means, such as through electronic mail to its employees, posting on an employer-operated website frequented by its employees, or any other electronic means customarily used by the public employer to communicate with its employees.
- 11) Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied:
- a) Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;
  - b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and
  - c) The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.
- 12) The timeframe in California Code of Regulations, Title 11, section 1950(c)(1)(C), is extended from 180 days to one year for the purpose of authorizing the Executive Director of the Commission on Peace Officer



Standards and Training (POST) to issue discretionary exemptions to individual law enforcement agencies seeking to temporarily reemploy peace officers who retired or separated in good standing from the requesting agency. The term of any such temporary peace officer reemployment shall expire no later than one year from the date of this Order, unless further extended by Executive Order.

13) On a case-by-case basis, POST's Executive Director is authorized to grant individual technical and scheduling waivers or exceptions to address disruptions caused by the COVID-19 pandemic. The Executive Director shall notify the POST Commission of any such waiver or exception and shall rescind the waiver or exception once it is no longer necessary.

14) To protect the health, safety, and welfare of students and instructors in Basic Academy training courses, POST temporarily may allow lecture-based Basic Academy instruction to be delivered online in a format POST deems appropriate. For any instruction conducted online, POST shall require that students be closely monitored by instructors to ensure students gain a thorough understanding of the materials. POST shall continue to require in-person instruction for testing and practical skills training. Any prohibitions set forth in POST policies, procedures, or the California Code of Regulations (including but not limited to California Code of Regulations, Title 11, section 1052) that limit the ability to conduct online Basic Academy training for lecture-based courses are temporarily waived.

15) Law enforcement agencies are encouraged to adopt telephonic, remote, or other procedures for registration and reporting under the Sex Offender Registration Act that are consistent with State and local public health guidance regarding physical distancing, and to post or publicize such procedures through means calculated to reach any person subject to the Act.

a) To the extent that a law enforcement agency institutes telephonic, remote, or other procedures to enable physical distancing, all provisions of the Sex Offender Registration Act (Penal Code sections 290 to 290.024, inclusive) and implementing procedures that require persons subject to the Act to appear in person, and all provisions of the Act and implementing procedures that require such persons to provide a signature, fingerprints, and photograph, are suspended for 60 days.

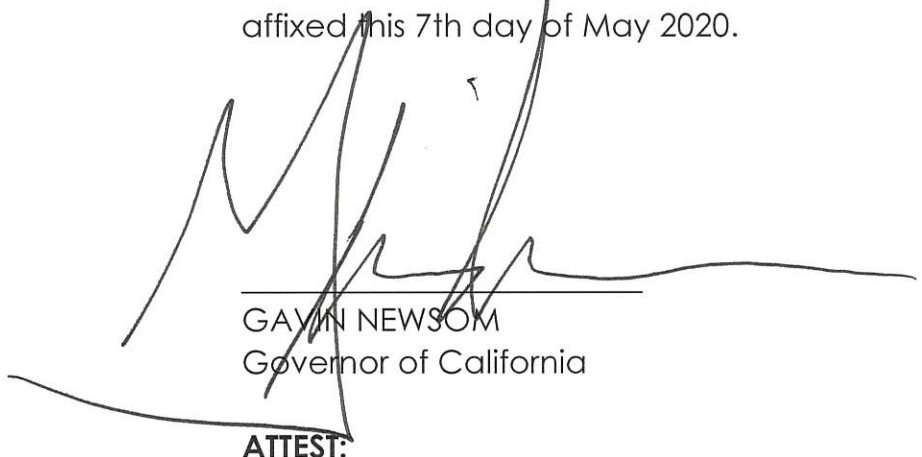
b) To ensure that lack of technology does not prevent any individual from complying with registration and reporting requirements, law enforcement agencies are encouraged to provide alternative means of registration and reporting, including permitting the physical presence of registrants consistent with State and local public health guidance regarding physical distancing.

The requirement to register and all other registration and reporting requirements of the Sex Offender Registration Act remain in place.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of May 2020.



A large, stylized handwritten signature in black ink, which appears to be "Gavin Newsom", is written over a horizontal line. The signature is somewhat abstract and overlaps the text below it.

GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State