



Penal Code § 290 Registration Relief

Petitions Can Be Filed Starting July 1, 2021

WHAT IS PC 290 (SEX REGISTRY) REGISTRATION RELIEF?

Starting in 2021, instead of across-the-board lifetime registration, California will have a tiered registration system. Depending primarily on the conviction for which a person was ordered to register, registrants will be placed into one of three Tiers. Generally, the Minimum Registration Period (MRP) for Tier 1 registrants is 10 years; the MRP for Tier 2 registrants is 20 years; and Tier 3 registrants must still register for life. People who must register because of a juvenile finding may have even shorter registration times.

HOW DO I FIND OUT MY TIER?

You can ask the law enforcement agency where you register to provide you with a Tier Notification Letter. Once you get this letter, we encourage you to contact the Public Defender's Office or another lawyer to confirm that your Tier information is correct.

HOW IS THE MRP CALCULATED?

Generally, the MRP begins when you are released from custody on the registerable case. If you are later convicted of failure to register, this will extend your MRP. With limited exceptions, any time you spent in jail or prison after you were ordered to register will not count toward the MRP ("tolling").

CAN I STOP REGISTERING IF I MEET THE MRP?

NO! You must first file a petition and then have a judge grant your petition before you can stop. Until a judge tells you that you are no longer required to register, you must continue to register.

WHAT SHOULD I DO NOW?

- 1. Continue to register.**
- 2. Ask the law enforcement agency where you register to provide you with a Tier Notification Letter.**
- 3. If you think you may be eligible for registration relief, contact the Public Defender's Office (in the county where you register) or another lawyer for help. You should also ask the law enforcement agency where you register for proof of your current registration.**

To seek registration relief help from the Alameda County Public Defender's Office, please go to cleanslate.acgov.org and apply.

Or, if you do not have access to a computer, please call (510) 268-7400 and ask for Clean Slate staff.

AM I ELIGIBLE?

You may be eligible for relief if:

- You have registered for the Minimum Registration Period (MRP) for your Tier (including any extensions and tolling); AND
- Your registration is current.

You are *not* (yet) eligible if:

- You have not completed the MRP for your Tier (including any extensions and tolling); OR
- You are in custody; OR
- You are on parole, probation, or supervised release; OR
- You have pending charges which could extend your MRP or change your Tier.

HOW DO I PETITION FOR PC 290 RELIEF?

You need to file a petition in court in the California county where you register with proof that you are currently registered. You must then serve a copy of the filed petition on the law enforcement agency and the District Attorney of both the county where you register and, if different, the county where the case for which you were ordered to register was prosecuted. **If you are eligible, you may file a petition on or after your next birthday following July 1, 2021.** You can file a petition without a lawyer, but we recommend that you contact the Public Defender's Office (in the county where you register) or another lawyer to help you.

WHAT HAPPENS AFTER I FILE A PETITION?

The law enforcement agencies have 60 days to report to the court and the prosecution. The prosecution then has 60 more days to respond. The prosecution may challenge the petition if they believe you have not met the MRP or "community safety would be significantly enhanced by" your continued registration. If you have met your MRP and other eligibility requirements and the prosecution does not challenge your petition, the judge must grant relief. Otherwise, there will be a hearing where the judge will decide whether to grant relief. The process will take at least several months.

This flyer is not a solicitation and does not constitute legal advice or create an attorney-client relationship.

Please contact the Public Defender's Office or another lawyer to seek legal advice.