

California Department of Justice
CALIFORNIA JUSTICE
INFORMATION SERVICES DIVISION
Joe Dominic, Director



INFORMATION BULLETIN

<i>Subject:</i> Collection of Internet Identifiers from Registered Sex Offenders	<i>No.</i> 17-02-CJIS	<i>Contact for information:</i> California Sex Offender Registry (916) 210-3113
	<i>Date:</i> 01-05-17	

TO: THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2017, Chapter 772, Statutes of 2016 (Senate Bill [SB] 448) amends the Californians Against Sexual Exploitation (CASE) Act, a ballot initiative enacted by the approval of Proposition 35 at the November 6, 2012, statewide general election, to conform with requirements of the court in the case of *John Doe v. Kamala Harris* (Northern District of California, case numbers 13-15263 and 13-15267).

The CASE Act previously required persons who are registering pursuant to the Sex Offender Registration Act (the Act) to list all Internet identifiers established or used by the person and all Internet service providers used by the person on his or her sex offender registration forms. On January 11, 2013, a federal court issued an injunction enjoining the Attorney General and law enforcement agencies (LEAs) from collecting this information on the grounds that the CASE Act violated the First Amendment of the United States Constitution.

As a result of SB 448, Penal Code section 290.024 is amended to require a person who is convicted of a felony on or after January 1, 2017, requiring registration pursuant to the Act, to register his or her Internet identifiers if a court determines at the time of sentencing that: (1) the person used the Internet to collect any private information to identify the victim of the crime to further the commission of the crime; (2) the person was convicted of a felony pursuant to Penal Code section 236.1, subdivisions (b) or (c), and he or she used the Internet to traffic the victim of the crime; or (3) the person was convicted of a felony pursuant to Chapter 7.5 (commencing with section 311) and used the Internet to prepare, publish, distribute, send, exchange, or download the obscene matter or matter depicting a minor engaging in sexual conduct, as defined in Penal Code section 311.4, subdivision (d).

For purposes of the CASE Act, private information is defined as "information that identifies or describes an individual, including, but not limited to, his or her name; electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication; social security number; account numbers; passwords; personal identification numbers; physical descriptions; physical location; home address; home telephone number; education; financial matters; medical or employment history; and statements made by, or attributed to, the individual" (Pen. Code, § 290.024, subd. (b)(2)).

Pursuant to Penal Code section 290.024, subdivision (b)(1), an Internet identifier is defined as an "electronic mail address or user name used for instant messaging or social networking that is actually used for direct communication between users on the Internet in a manner that makes the communication not accessible to the general public." It does not include the person's Internet passwords, PIN number(s), date of birth, or social security number (Pen. Code, § 290.024, subd. (b)(1)).

If a court orders the person to register his or her Internet identifiers, the order should be documented and submitted to the Department of Justice (DOJ) either via Electronic Disposition Reporting (EDR), known as the Automated Transaction Disposition Reporting (ATDR), or manually utilizing the *Adult Disposition of Arrest and Court Action* (JUS 8715) form. Please consult the attached document labeled 290 PC Disposition Reporting.

A person who is required to register Internet identifiers must do so in-person at the time of registration with the local law enforcement agency having jurisdiction over his or her residence or where the person is physically located as a transient (Penal Code sections 290.012 and 290.015). Additionally, when a person who is required to register his or her Internet identifiers adds or changes an Internet identifier, he or she shall send written notice by mail to the local LEAs with which he or she is currently registered within 30 working days of the addition or change (Pen. Code, § 290.014, subd. (b)). The DOJ's *Internet Identifier Registration Form* (CJIS 8041) is available on the Attorney General's website at www.oag.ca.gov under Programs A-Z, Sex Offender Registry. A person who is required to register his or her Internet identifiers but fails to do so may be convicted of a misdemeanor failure to register violation, punishable by county jail not exceeding six months (Pen. Code, § 290.018, subd. (i)).

Pursuant to Penal Code section 290.45, subdivision (h)(2), LEAs are not permitted to disclose a person's Internet identifiers to the public, except as required by court order. Internet identifiers are only to be used by designated LEAs for the purpose of investigating human trafficking, a sex-related crime, or kidnapping (Pen. Code, § 290.45, subd. (h)(1)).

For questions regarding these new laws, please contact the California Sex Offender Registry at (916) 210-3113 or via e-mail at CASEX-REG@doj.ca.gov. For questions regarding the disposition reporting of this requirement, please contact electronicdispositionreporting@doj.ca.gov for ATDR submissions or disposition.BCIA@doj.ca.gov for JUS 8715 submissions.

Sincerely,



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California Justice Information Services Division

For KATHLEEN A. KENEALY
Chief Deputy Attorney General



PENAL CODE SECTION 290 DISPOSITION REPORTING



Additional instructions on reporting disposition information to the DOJ can be found in the *Disposition Reporting Guide* on CLEW.

For specifications on how to report registration information to the DOJ via electronic means, reference the attached Information Bulletin. The complete *Electronic Disposition Reporting Manual* is available on CLEW.

If further assistance is required with manually reporting disposition information, contact the DOJ at disposition.BCIA@doj.ca.gov. For assistance with electronic submissions, contact the DOJ at electronicdispositionreporting@doj.ca.gov.