

*CALIFORNIA SEX OFFENDER*

# INFORMATION



*Bill Lockyer*  
*California Attorney General*



Violent Crime  
Information Center

*The keys to  
making your  
community  
safer.*



## **Message from Attorney General Bill Lockyer**

In 1995, the Child Molester Identification Line became operational in California — the first program of its kind in the nation. Law-abiding adults could make a 900 call to the California Department of Justice (DOJ) and determine whether someone who may pose a threat to themselves, their families or their friends was a convicted child molester. A year later, California's Megan's Law was passed and, as part of a comprehensive strategy to provide information to help those at risk from convicted sexual predators, the information made available to the public was expanded to include those who sexually assaulted adult victims.

Since 1995, DOJ has conducted more than 56,000 searches and has identified more than 1,550 convicted sex offenders. In the last year alone, we conducted 17,047 searches and identified 215 convicted sex offenders.

On a daily basis, we provide citizens with the information they need to protect themselves, their families and others from convicted sexual predators. Unfortunately, convicted sex offenders are among the most likely criminals to re-offend and create new victims. As a result, the information that DOJ provides to Californians about the State's more than 73,000 serious and high-risk registered sex offenders is an important tool for protecting public safety.

Sincerely,

**BILL LOCKYER**  
Attorney General

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# Preface

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In September 1994, the Child Protective Act (Assembly Bill 2500—Alby) was signed into law. This legislation required the Department of Justice (DOJ) to establish and operate a fee based telephone service that would handle public inquiries regarding convicted child molesters. On July 3, 1995, the DOJ established a “900” Line to implement the law.

On May 8, 1996, federal legislation H.R. 2137 was passed, requiring state and local law enforcement agencies to release relevant information to protect the public from sexually violent offenders. This act is known as Megan’s Law. On September 26, 1996, similar state legislation was signed into law creating California’s version of Megan’s Law. This law necessitated an expansion of service already provided by the Department by requiring DOJ to provide information on registered sex offenders who have committed crimes not only against children, but also adults.

In addition to providing an expanded “900” Line telephone service to the public, the California version of Megan’s Law allows law enforcement agencies to notify the public of “serious” and “high-risk” sex offenders and allows the public access to sex offender information via a CD-ROM. The CD-ROM, developed by the California DOJ and a contracted vendor, has been available for public viewing at each county sheriff’s department and selected police departments since July 1, 1997.

By entering a subject’s name, county, or zip code, a person can access names, photos, physical descriptions, aliases, and a summary of sex offenses. The CD-ROM contains information on 73,000 of the more than 86,000 California sex registrants currently designated as “serious” and “high-risk.”

This Report to the Legislature responds to the mandate contained in Penal Code Section 290.4 (j) and focuses on activities in 1997, 1998, and 1999. The Report also provides a summary of the California Sex Offender Information Program since its inception on July 3, 1995.

# *History of Sex Registration*

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California's sexual offender registration program was initially implemented in 1947. This program was the nation's first to track the whereabouts of persons convicted of specified sex crimes. Currently, more than 86,000 sex offenders are required to register pursuant to California Penal Code Section 290.

Aside from the requirement of specified sex offenders to register with local law enforcement, for nearly 50 years peace officers were not allowed to inform the public of the identities and whereabouts of these offenders, even if asked. The passage of the federal Megan's Law in 1996 authorized peace officers to release information about violent sex offenders for the purpose of protecting public safety. In 1996, California passed other laws that enhanced the State's registration laws. A sex offender is now required to register within five working days after release from custody and after changing his or her name or address. Also, each sex offender must register annually within five days of their birthday. Legislation was also passed that requires serious sex offenders to register even if they receive a certificate of rehabilitation. A "serious" or "high-risk" sex offender under Megan's Law cannot be relieved of their duty to register unless they have received a full Governor's pardon.

Over 73,000 sex offenders required to register have been designated, pursuant to California Penal Code Section 290.4 (a)(1), as "serious" sex offenders and whose information is readily available to the public through the existing "900" Line telephone service and the Megan's Law CD-ROM. The remaining 13,000 sex registrants have not been convicted of a specified sex offense required for disclosure under California's Megan's Law and information on these individuals is not made available to the public.

With the passing of the California Megan's Law, the "900" Line was able to provide the public with sex offender information to protect themselves and their children. The CD-ROM enhances the public's knowledge by showing photographs and providing descriptive information on "serious" sex offenders and identifies "high-risk" sex offenders who have committed multiple violent crimes and, therefore, are generally considered a threat to re-offend.

# *“900” Line*

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The Violent Crime Information Network (VCIN) database contains data on those designated as “serious” and “high-risk” sex offenders. These sex offenders have been convicted of specified crimes whose underlying offense is either a felony sex offense or misdemeanor child molestation. These felony offenses include all felony sex offenses, with the exception of spousal rape, pornography and pornography-related offenses, and repeated indecent exposure.

The VCIN database contains information on 73,000 “serious” sex offenders of the 86,000 sex offenders required to register with local law enforcement agencies in California. Of these “serious” sex offenders, more than 1,500 are identified as “high-risk.”

Adults concerned about the safety of a child, themselves or others can take proactive steps to protect themselves by calling the “900” Line service operated by the California DOJ. The cost for this service is a flat rate fee of \$10 per call for inquiries on up to two individuals.

When a person places a call, a pre-recorded message provides them with instructions regarding the use of the line. To check on an individual, a caller must be over 18 years of age, provide his or her name, the county or state from which they are calling, the reason for the inquiry and the number of persons that may be at risk. The message also informs the caller of the charge for use of the “900” Line and provides an opportunity to discontinue the call without being billed. The message warns each caller that it is illegal to use the information obtained through the line to harass, discriminate or commit a crime against any sex offender. The message states that the line is not a crime hotline and advises callers to report any suspected criminal activity to the appropriate local law enforcement or child protective services agency.

If a caller remains on the line, the call is then forwarded to a specialist who will conduct a search of the caller in the sex offender database to verify the caller is not a registered sex offender, and then perform the requested search for that individual. The caller must provide the following information:

- individual's name and
- exact birth date or
- exact address or
- social security number or
- California driver's license or identification number or if they are calling from out of state, provide the name, social security or identification number.

If that information is not available, the caller must provide the individual's name and five of the following:

- eye color
- hair color
- height
- weight
- race
- scars, marks or tattoos

The specialist uses the information provided by the caller to search the database. A "hit" occurs if the information provided by the caller matches information about the registrant in the database. If a "hit" occurs, the specialist will provide the caller with the registrant's physical description, the community of residence, and the specific sex offenses that require the person to register. The caller is not provided with the physical address of the registrant. If necessary, the caller is also provided with a name and number of a local organization that can provide them with additional information for victim assistance or counselors

that can provide support to anyone who may have had contact with the sex offender. If a “hit” is not made on an individual, the specialist informs the caller that the person does not appear to be a registered sex offender.

If the specialist is unable to give a definite reply regarding a search, they will provide the caller with an alternate telephone number to call back if the caller is able to provide additional information. Additional searches through this number are made to complete the inquiry at no additional charge. If a caller gives address information for a registrant that differs from the information in our files, the program notifies the Department’s Sex Registration Unit.

A specialist performs a file review of the criminal record on each “hit.” During the file review process, the program’s lead specialist determines whether the registrant is on probation or parole and what, if any, restrictions are applicable. The probation or parole officer is contacted when appropriate and notified of the registrant’s reported activities. Also, local law enforcement agencies may be notified, depending on the situation.

The program also provides organizations and businesses with an alternate way to make multiple inquiries. Mail-in request forms are provided to organizations, businesses and individuals who have the need to use our services to check on multiple individuals such as volunteers and employees.

To use the *California Sex Offender Information Mail-In Request Form*, the requester must check on a minimum of six individuals. The processing cost is \$4 per named individual. The form must

include the name of the organization (or individual), telephone number, name of person to contact with the results, number of persons at risk, and search information. The contact person listed is given the results by telephone within two working days after receipt of the request.

# Program Success

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During the 1999 calendar year, the “900” Line received 3,236 incoming phone calls and conducted 8,806 searches from mail-in requests for a total of 17,047 searches to the database. Based on the information provided by the requester, a total of 215 matches were made against the database. This represents a 1.3% identification rate of all searches to the database.

Since the implementation of the “900” Line service on July 3, 1995, DOJ has received 19,676 telephone calls. DOJ staff have also conducted 27,528 searches in response to mail-in requests (Figure 1). The total number of searches to the database since July 3, 1995 is 56,855. Of the 56,855 searches, 1,552 matches were made in which the subject of the inquiry was identified as a “serious” or “high-risk” sex offender.

Figure 1  
“900” Line  
July 3, 1995 – December 31, 1999  
Based on Incoming Calls and Mail-in Requests

	1995	1996	1997	1998	1999	Totals
<b>Incoming Phone Calls</b>	4959	4900	3705	2876	3236	19,676
<b>Mail-in Searches</b>	829	1580	3344	12969	8806	27,528
<b>Searches</b>	4770	5367	9605	20066	17047	56,855
<b>Matches</b>	236	481	443	177	215	1,552

The following is a county by county breakdown on caller information based on telephone inquiries:

Figure 2  
 "900" Line  
 Number of Calls by County

County	1996	1997	1998	1999
Statewide Total	*4,900	3,705	2,876	3,236
Alameda	66	104	46	62
Alpine	0	0	0	0
Amador	3	4	1	0
Butte	25	75	38	29
Calaveras	11	11	3	6
Colusa	0	0	1	0
Contra Costa	39	45	27	100
Del Norte	3	4	1	0
El Dorado	11	15	6	9
Fresno	54	33	9	28
Glenn	4	4	1	4
Humboldt	18	21	11	4
Imperial	8	35	19	2
Inyo	0	1	3	0
Kern	52	115	53	45
Kings	10	9	4	6
Lake	6	7	5	3
Lassen	5	8	0	1
Los Angeles	438	864	705	391
Madera	12	19	9	11
Marin	16	27	10	14
Mariposa	2	1	4	0
Mendocino	15	23	1	25
Merced	7	11	1	2
Modoc	1	1	0	1
Mono	1	1	0	1
Monterey	23	45	41	63
Napa	14	22	15	9
Nevada	0	6	20	0
Orange	169	350	160	344
Placer	27	31	11	12

(continued)

Figure 2 – Continued  
 “900” Line  
 Number of Calls by County

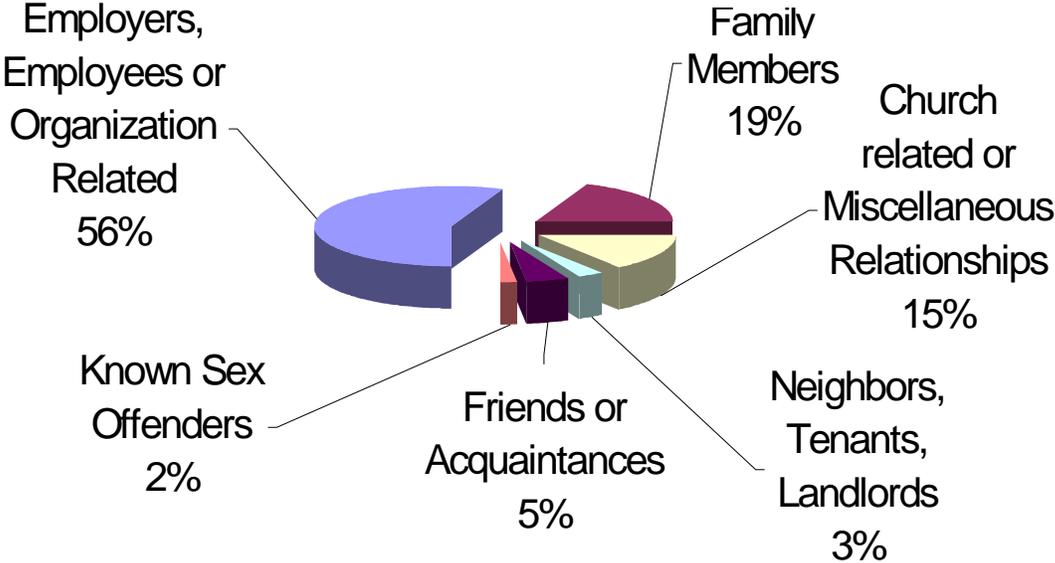
County	1996	1997	1998	1999
Plumas	7	9	1	0
Riverside	241	262	283	269
Sacramento	197	203	51	105
San Benito	8	9	1	3
San Bernardino	271	371	317	380
San Diego	86	119	134	300
San Francisco	15	20	17	15
San Joaquin	48	64	32	38
San Luis Obispo	34	29	23	16
San Mateo	18	46	43	24
Santa Barbara	17	21	14	39
Santa Clara	83	105	92	115
Santa Cruz	25	30	21	32
Shasta	78	61	62	23
Sierra	0	0	0	0
Siskiyou	2	3	0	0
Solano	26	43	34	34
Sonoma	42	74	51	21
Stanislaus	53	87	82	54
Sutter	14	6	9	11
Tehama	15	21	18	16
Trinity	10	3	0	0
Tulare	38	90	166	77
Tuolumne	6	6	5	2
Ventura	44	59	94	207
Yolo	9	19	28	15
Yuba	2	3	3	35
Out of State	41	3	90	233

\*Total calls for twelve month period.  
 “900” Line statistics began in August 1996.

Basic information is documented on all completed calls. When a positive identification is made on the “900” Line, information regarding that identification is collected and verified by the DOJ staff, who also determine what necessitated the call. This information is not recorded from callers when no “hit” is made.

Information collected indicates that the individuals being identified as “serious” sex offenders have the following relationships to the callers:

**Figure 3**  
**“900” Line**  
**Relationship to Caller**  
**1999**



Some anecdotal examples of the “900” Line hits are listed below. Names, locations, and other specifics are not included to protect the anonymity of the callers.

- A man, concerned for his family’s safety, called to check on an individual that he was going to let move into his home. The subject had been convicted of rape by threat and received five years probation and one year in jail. The subject also had prior convictions for battery and failure to register as a sex offender.
- An organization called to check on an applicant for employment where the job required the applicant to enter residential homes. The applicant had been convicted of lewd and lascivious acts with a child under 14. He received three years probation and a ninety day jail sentence for this prior offense.
- A caller telephoned to check on his ex-wife’s boyfriend because he was concerned for his daughter. The ex-wife’s boyfriend had been convicted of rape by force and received four years probation and one year in the county jail.
- The local police had advised the caller that the father of her child was a sex offender. The subject also had prior convictions for petty theft, burglary, indecent exposure, possession of a hypodermic needle, obstructing/resisting a public officer, receiving known stolen property, and a conviction for annoying and molesting children and had received one year in jail.
- A grandmother called after she had received complaints from several individuals that a subject was overly friendly with the children in the RV Park. Residents complained that the subject only came out to the pool area when the children were present. The subject had been

convicted of lewd or lascivious acts with a child under 14 and sentenced to three years in prison. The subject also had prior convictions for petty theft and battery.

- The caller contacted DOJ to check on the grandfather of an eight year-old girl. The grandfather had admitted he had a fixation on his grandchild. The grandfather had been convicted of lewd or lascivious acts with a child under 14 and received eight years probation and 120 days in the county jail.
- A caller requested a check on a chiropractor that instructs children ages two through four in gymnastics. The chiropractor had been convicted of oral copulation with a person under 16 and received three years probation and 120 days in the county jail.
- The caller was checking on her boyfriend. The subject had been convicted of annoying or molesting children. He received three years probation and 15 days in the county jail. The subject had prior convictions for battery with serious bodily injury, inflicting corporal injury on a spouse, possession of obscene matter, and possession of a controlled substance.
- A woman called to check on her husband. The subject had been convicted of crimes against children/lewd or lascivious acts with a child under 14. He had received eight years probation and 180 days in the county jail.
- A woman who planned to open a day care facility requested a check to see if her neighbor was a sex offender. The subject had been convicted of lewd and lascivious acts with a child under 14 and received nine and one half years in prison and was paroled.

- An organization called to see if an applicant was a registered sex offender. The caller stated he had received complaints that the subject was offending elderly patients in a hospital where the subject worked. The subject had not disclosed on his application that he was currently on probation and a registered sex offender. The subject received 175 days in the county jail and six years for continuous sexual abuse of a child.
- Concerned for the safety of her nieces, the caller wanted to know if her brother was a convicted sex offender. The subject had been convicted of annoying and molesting children and had received two years probation.
- Concerned for the safety of her friend's children, the caller requested information on her friend's ex-husband. The subject had a conviction for rape by force and received three years to life in prison and was subsequently paroled. The subject also had a prior conviction for exhibiting a deadly weapon.
- The caller used the "900" Line telephone service to confirm information that she received stating that her neighbor was a sex offender. The subject had an out-of-state conviction for lewd molestation and received ten years in prison.
- An organization was checking on a subject who was making sexual advances toward co-workers which resulted in a lawsuit being filed against their organization. The subject had convictions for annoying or molesting children and received three years probation. In addition, the subject had prior convictions for forgery, disorderly conduct, prostitution, theft of personal property, and displaying false identification to a peace officer.

- A caller wanted to see if his father-in-law was a registered sex offender. The subject had a conviction for lewd or lascivious acts with a child under 14 and received five years probation and one year in jail.

# *Expenditures and Revenue*

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The revenue from the operation of the “900” Line service during Fiscal Year 98/99 totaled \$64,806. These revenues include fees collected from organizations that mailed in requests and individuals that called the “900” Line. Revenues collected for the Fiscal Year 99/00 totaled \$62,215.

Expenditures for the “900” Line for Fiscal Year 98/99 totaled \$51,000. This included staff salaries and benefits, supplies, printing and administrative services. Expenditures for Fiscal Year 99/00 totaled \$57,525.

# *The Future*

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The “900” Line has become an invaluable service for the public. Since the implementation of the “900” Line, 56,855 searches and 1,552 positive identifications have been made.

Like many crime prevention programs, there are no statistics on sex crimes that may have been prevented by this program. However, based upon past confirmed identifications, many people, including children, were protected from becoming victims of serious sex offenders. More than 1,500 times so far, and perhaps thousands of times during future years, parents, organizations, and others will be warned that they have a convicted sex offender amongst them.

The “900” Line and the Megan’s Law CD-ROM are currently scheduled to terminate on January 1, 2001 pursuant to a sunset clause contained in the originating legislation. Assembly Bill 1340 would remove the sunset clause and enable the Department of Justice to continue to provide the public with this invaluable tool to help protect themselves and their children from becoming victims of serious sex offenders.

The most recent information available reflects that the State Board of Control’s Victim of Crimes Program paid out over \$43,000,000 since 1995 to victims of sexual assault. Claims were paid out to reimburse costs for medical treatment, psychotherapy, rehabilitation, income loss, attorney fees and funerals. In this context, the costs expended for our program, less than \$60,000 per year, represent a sound investment -- and is undeniably priceless for the people, many of whom are children, saved from the trauma of being a victim of a sexual assault.



California Penal Code Section 290.4

*Appendix*

# *California Penal Code*

## *Section 290.4*

**290.4.** (a) (1) The Department of Justice shall continually compile information as described in paragraph (2) regarding any person required to register under Section 290 for a conviction of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a or 289; Section 220, except assault to commit mayhem; Section 243.4, provided that the offense is a felony; paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261; Section 264.1; Section 266, provided that the offense is a felony; Section 266c, provided that the offense is a felony; Section 266j; Section 267; Section 269; paragraph (1) of subdivision (b) of Section 286, provided that the offense is a felony; paragraph (2) of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of Section 286; Section 288; paragraph (1) of subdivision (b), of Section 288a, provided that the offense is a felony; paragraph (2) of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a; Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h), of Section 289, provided that the offense is a felony; Section 647.6; or the statutory predecessor of any of these offenses or any offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in this section. This requirement shall not be applied to a person whose duty to register has been terminated pursuant to paragraph (5) of subdivision (d) of Section 290, or to a person who has been relieved of his or her duty to register under Section 290.5.

(2) The information shall be categorized by community of residence and ZIP Code. The information shall include the names and known aliases of the person, photograph, a physical description, gender, race, date of birth, the criminal history, and the address, including ZIP Code, in which the person resides, and any other information that the Department of Justice deems relevant, not including information that would identify the victim.

(3) The department shall operate a "900" telephone number that members of the public may call and inquire whether a named individual is listed among those described in this subdivision. The caller shall furnish his or her first name, middle initial, and last name. The department shall ascertain whether a named person reasonably appears to be a person so listed and provide the caller with the

information described in paragraph (2), except the department shall not disclose the name or address of a listed person's employer, or the street address or criminal history of a person listed, except to disclose the ZIP Code area in which the person resides and to describe the specific crimes for which the registrant was required to register. The department shall decide whether the named person reasonably appears to be a person listed, based upon information from the caller providing information that shall include (A) an exact street address, including apartment number, social security number, California driver's license or identification number, or birth date along with additional information that may include any of the following: name, hair color, eye color, height, weight, distinctive markings, ethnicity; or (B) any combination of at least six of the above listed characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color, and eye color, a seventh identifying characteristic shall be provided. Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded by the department.

4) (A) On or before July 1, 1997, the department shall provide a CD-ROM or other electronic medium containing the information described in paragraph (2), except the person's employer, or the listed person's street address and criminal history other than the specific crimes for which the person was required to register, for all persons described in paragraph (1) of subdivision (a), and shall update and distribute the CD-ROM or other electronic medium on a monthly basis to the sheriff's department in each county, municipal police departments of cities with a population of more than 200,000, and each law enforcement agency listed in subparagraph (I) of paragraph (1) of subdivision (n) of Section 290. These law enforcement agencies may obtain additional copies by purchasing a yearly subscription to the CD-ROM or other electronic medium from the Department of Justice for a yearly subscription fee. The Department of Justice, the sheriff's departments, and the municipal police departments of cities with a population of more than 200,000 shall make, and the other law enforcement agencies may make the CD-ROM or other electronic medium available for viewing by the public in accordance with the following: The agency may require that a person applying to view the CD-ROM or other electronic medium express an articulable purpose in order to have access thereto. The applicant shall provide identification in the form of a California driver's license or California identification card, showing the applicant to be at least 18 years of age, shall sign a statement on a form provided by the Department of Justice, stating that the applicant is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the public to protect

themselves and their children from sex offenders, and he or she understands it is unlawful to use information obtained from the CD-ROM or other electronic medium to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the designated law enforcement agency's office.

(B) The records of persons requesting to view the CD-ROM or other electronic medium are confidential, except that a copy of the applications requesting to view the CD-ROM or other electronic medium may be disclosed to law enforcement agencies for law enforcement purposes.

(C) Any information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the CD-ROM or other electronic medium.

5) (A) The income from the operation of the "900" number shall be deposited in the Sexual Predator Public Information Account, which is hereby established within the Department of Justice for the purpose of the implementation of this section by the Department of Justice, including all actual and reasonable costs related to establishing and maintaining the information described in subdivision (a) and the CD-ROM or other electronic medium described in this subdivision.

(B) The moneys in the Sexual Predator Public Information Account shall consist of income from the operation of the "900" telephone number program authorized by this section, proceeds of the loan made pursuant to Section 6 of the act adding this section, and any other funds made available to the account by the Legislature. Moneys in the account shall be available to the Department of Justice upon appropriation by the Legislature for the purpose specified in subparagraph (A).

(C) When the "900" telephone number is called, a preamble shall be played before charges begin to accrue. The preamble shall run at least the length of time required by federal law and shall provide the following information:

(i) Notice that the caller's telephone number will be recorded.  
(ii) The charges for use of the "900" telephone number.  
(iii) Notice that the caller is required to identify himself or herself to the operator.

(iv) Notice that the caller is required to be 18 years of age or older.

(v) A warning that it is illegal to use information obtained through the "900" telephone number to commit a crime against any registrant or to engage in illegal discrimination or harassment against any registrant.

(vi) Notice that the caller is required to have the birth date,

California driver's license or identification number, social security number, or address or other identifying information regarding the person about whom information is sought in order to achieve a positive identification of that person.

(vii) A statement that the number is not a crime hotline and that any suspected criminal activity should be reported to local authorities.

(viii) A statement that the caller should have a reasonable suspicion that a person is at risk.

(D) The Department of Justice shall expend no more than six hundred thousand dollars (\$600,000) per year from any moneys appropriated by the Legislature from the account.

(b) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(c) The record of the compilation of offender information on each CD-ROM or other electronic medium distributed pursuant to this section shall be used only for law enforcement purposes and the public safety purposes specified in this section and Section 290. This record shall not be distributed or removed from the custody of the law enforcement agency that is authorized to retain it. Information obtained from this record shall be disclosed to a member of the public only as provided in this section or Section 290, or any other statute expressly authorizing it. Any person who copies, distributes, discloses, or receives this record or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in the county jail not to exceed six months or by a fine not exceeding one thousand dollars (\$1,000), or by both the imprisonment and fine. This subdivision shall not apply to a law enforcement officer who makes a copy as part of his or her official duties in the course of a criminal investigation, court case, or as otherwise authorized by subdivision (n) of Section 290. This subdivision shall not prohibit copying information by handwriting. Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(d) Unauthorized removal or destruction of the CD-ROM or other electronic medium from the offices of any law enforcement agency is a

misdemeanor, punishable by imprisonment in a county jail not to exceed one year or by a fine not exceeding one thousand dollars (\$1,000), or both the imprisonment and fine.

(e) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk. This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information, for purposes relating to any of the following, and that is disclosed pursuant to this section, is prohibited:

- (A) Health insurance.
- (B) Insurance.
- (C) Loans.
- (D) Credit.
- (E) Employment.
- (F) Education, scholarships, or fellowships.
- (G) Housing or accommodations.
- (H) Benefits, privileges, or services provided by any business establishment.

(3) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) of subdivision (e) or in violation of paragraph (2) of subdivision (e) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars (\$25,000).

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the "900" telephone number in violation of paragraph (2) of subdivision (e), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse of that number is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(f) This section shall not be deemed to authorize the publication, distribution, or disclosure of the address of any person about whom

information can be published, distributed, or disclosed pursuant to this section.

(g) Community notification shall be governed by subdivisions (m) and (n) of Section 290.

(h) The Department of Justice shall submit to the Legislature an annual report of the operation of the "900" telephone number required by paragraph (3) of subdivision (a) on July 1, 1996, July 1, 1997, and July 1, 1998. The annual report shall include all of the following:

(1) Number of calls received.

(2) Amount of income earned per year through operation of the "900" telephone number.

(3) A detailed outline of the amount of money expended and the manner in which it was expended for purposes of this section.

(4) Number of calls that resulted in an affirmative response and the number of calls that resulted in a negative response with regard to whether a named individual was listed pursuant to subdivision (a).

(5) Number of persons listed pursuant to subdivision (a).

(6) A summary of the success of the "900" telephone number program based upon selected factors.

(i) Any law enforcement agency and employees of law enforcement agency shall be immune from liability for good faith conduct under this section. For the purposes of this section, "law enforcement agency" means the Attorney General of California, every district attorney, and every state or local agency expressly authorized by statute to investigate and prosecute law violators.

(j) On or before July 1, 2000, the Department of Justice shall make a report to the Legislature concerning the changes to the operation of the "900" telephone number program made by the amendments to this section by Chapter 908 of the Statutes of 1996.

The report shall include all of the following:

(1) Number of calls received by county.

(2) Number of calls that resulted in an affirmative response and the number of calls that resulted in a negative response with regard to whether a named individual was listed pursuant to subdivision (a).

(3) Number of persons listed pursuant to subdivision (a).

(4) Statistical information concerning prosecutions of persons for misuse of the "900" telephone number program, including the outcomes of those prosecutions.

(5) A summary of the success of the "900" telephone number based upon selected factors.

(k) registration and public notification provisions of this section are applicable to every person described in these sections, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described

in these sections, regardless of when it was committed.

(l) No later than December 31, 1998, the Department of Justice shall prepare an informational pamphlet that shall be mailed to any member of the public who makes an inquiry using the "900" telephone number required by this section and who provides an address. The pamphlet shall provide basic information concerning appropriate steps parents, guardians, and other responsible adults can take to ensure a child is safe from a suspected child molester, including, but not limited to, how to identify suspicious activity by an adult, common facts and myths about child molesters, and how to obtain additional help and information. A notice to caller to the "900" telephone number that they will receive the pamphlet, if an address is provided, shall be included in the preamble required by this section.

(m) This section shall remain operative only until January 1, 2001, and as of that date is repealed unless a later enacted statute, which becomes effective on or before that date, deletes or extends that date.