

**SECTION – ADMINISTRATION  
ADMINISTRATIVE DIRECTIVE NO. 836**

Effective Date: August 10, 2006

**SUBJECT: REGISTRATION REQUIREMENTS FOR SEX, ARSON, AND  
NARCOTICS OFFENDERS**

**I. PURPOSE**

To provide procedures to ensure Individuals are notified of their requirement to register as a SEX, ARSON, and/ or NARCOTICS Offender upon discharge; in providing notification to the State Fire Marshal and local law enforcement authorities upon the release of persons into the community convicted of arson; provide the Department of Justice (DOJ) with one buccal swab sample, two right thumbprints, and a full palm print from each hand if their DNA samples and print impressions are not already on file for each person required to register as a sex offender (see Special Order 335), or is committed as a Mentally Disordered Sex Offender, or is found not guilty by reason of insanity of certain crimes; as well as inform DOJ of the movement or release of persons in certain legal classes.

**II. AUTHORITY**

Department of Mental Health Special Order 325.03, California Penal Code Sections 290, 296 (Sex offenders), and 11151 (Arson), Health and Safety Codes 11590 and 11592 (Narcotics), and Welfare and Institutions Code 5328.2.

**III. POLICY**

It is the policy of Coalinga State Hospital Police Services to inform Individuals upon their discharge, parole, or release, of statutory requirements pertaining to the duty of certain offenders to register with the local law enforcement agency; and to notify the local law enforcement authorities upon the release of the identified person/s into the community. The Department of Justice will also be provided with DNA samples in accordance with Special Order 335.

**IV. METHOD**

When an Individual is identified as an individual who is to be discharged, paroled, or released from Coalinga State Hospital (CSH), they are to be informed of registration requirements that may apply to them. Persons committed as sex offenders are required to be notified of registration requirements utilizing DOJ Form 8047. Persons convicted of certain narcotics offenses are to be notified of registration requirements utilizing DOJ form 8048. Persons convicted of arson are required to be notified of registration requirements utilizing DOJ Form 8049.

All forms are available from DOJ, Sex and Arson Division, and may be obtained by calling (91 6) 227-3288 or by logging into the C.L.E.W. website at <http://justice.hdcdojnet.state.ca.us/clew>.

Utilizing Form MH 5763, available from DMH Records Management, DOJ will be informed of the movement or release of persons in certain legal classes. These legal classes and movement types are listed in MH 5763.

## PC 290 REGISTRATION

- A. After January 1, 1998, any person required to register must, upon incarceration, placement, commitment or release on probation, pre-register. Any individual admitted to the hospital from the California Department of Corrections and Rehabilitation after January 1, 1998, will be pre-registered while in the correctional facility. It is not necessary to repeat the process.

The hospital may not be able to access all information to determine which individuals served are subject to the provisions of Penal Code Section 290. To assure uniform implementation of the advisory process, and in the interests of public safety, each Individual must be informed of the following prior to discharge, parole, or release from a state hospital:

1. If the Individual has a duty to register as a sex offender, he must register with the local law enforcement agency of the city and/ or county within five working days of coming into the city and/ or county.
2. If the Individual has a duty to register as a sex offender, he must register annually thereafter, within five working days with the local law enforcement agency or his or her birthday, to update his registration.
3. If the Individual has duty to register as a sex offender, he must report to the local law enforcement agency within five working days of any name or address change.
4. If the Individual has been committed as a sexually violent predator according to WIC 6604, the Individual is also required to re-register with the local law enforcement agency every 90 days. Failure to do so may bring punishment by imprisonment in a state prison or in a county jail for up to a year.
  - a). These individuals are also among those whose movements must be reported by DMH to DOJ (WIC 5328.2).
  - b). DOJ requires that DOJ Form 8047 be used to certify the individuals found to be sexually violent predators have been notified to their requirements to register every 90 days upon discharge.

A supply of these forms has been provided to Atascadero and Patton State Hospitals. Additional forms are available from DOJ, Sex and Arson Registration Program by calling (916) 227-3288.

- B. Effective January 1, 1998, when the new address for a registrant is a state mental institution, an official of the institution shall forward the registrant's change of address information to DOJ within 90 days of receiving the individual. The hospital does not need to supply a physical address but must indicate that the person is serving a period of commitment at the hospital. This only applies to those individuals admitted after January 1, 1998 (DOJ Form SS 8102 is to be used for this purpose).
- C. Any Individual who has been:
1. Convicted in this state or in any other state, federal, or military court, or found guilty in the guilt phase of a trial but not guilty by reason of insanity in the sanity phase, since July 1, 1944, in violation of any one or more of the offenses listed in Attachment A; or
  2. Released, discharged, or paroled from any penal institution following commission or attempted commission of any of offenses listed in Attachment A, shall be required to register for the rest of his life while residing in California; or
  3. Determined to be mentally disordered sex offenders (SVP/MDSO) under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institution Code since July 1, 1944, shall be required to register.
- D. Individuals to be discharged are to be informed that this is a general advisory, the details of which may or may not apply to them. If they have any questions regarding the applicability of the sex offender registration law, they are advised to contact their local law enforcement agency and/or the Department of Justice.
- E. Individuals to be discharged from CSH are to read and sign the "Discharged Patient Advisory of Penal Code 290 Registration Requirement" form MH 7017. If the Individual is incompetent, unwilling to sign, or unable to read, check the box appropriate to this statement of the form.
- F. CSH staff are to advise SVP/MDSOs and all other Individuals who are known to meet PC 290 requirements and/or have been pre-registered, of their obligation to register upon discharge from the institution. CSH will report all required information to DOJ and local law enforcement agencies as appropriate.
- G. After the Individual has read and signed the "Discharged Patient Advisory of PC 290 Registration Requirement" form, copies should be placed in the individual's unit chart and a copy provided to the Individual.

- H. If an Individual who has a duty to register and is ever to be temporarily sent outside the hospital on any assignment within a city or county, the local law enforcement agency having jurisdiction over the place where the assignment shall occur shall be notified prior to removal from the hospital. Also, if a registerable Individual is going on home visit, the local law enforcement agency shall be notified. This notification is not required for any Individual who is transferred temporarily to a local medical hospital for treatment or for any Individual who is being transferred temporarily to another state hospital.

## ARSON REGISTRATION

- A. The Department is required by PC 11151 to notify, in writing, the State Fire Marshal and all police departments and the sheriff in the county in which the person was convicted, and if known, the county in which he is to reside, of movement of persons convicted of arson.
  - 1. Form MH 5762 "Notification of Release of Person Convicted of Arson" is to be used to comply with these notification requirements.
  - 2. The above referenced notification must take place within five days of release.
  - 3. See above for a list and description of the registerable offenses.
  - 4. This does not apply to persons found not guilty by reason of insanity (PC 1026).
- B. Penal Code 457.1 requires persons convicted of arson and attempted arson to register with law enforcement upon release. It further requires that the person be informed of this requirement prior to his release. DOJ Form 8049 shall be used for this purpose.

## NARCOTICS REGISTRATION

The Department is required by Health and Safety Code 11592 to inform persons convicted of crimes described in H&S 11590 of the requirements that they register with law enforcement upon release. DOJ Form 8048 shall be used for this purpose. This does not apply to persons found not guilty by reason of insanity.

## BLOOD AND SALIVA SAMPLES, PRINT IMPRESSIONS

Any person who is required to register under Section 290 because of: 1) the commission of, or the attempt to commit, a felony offense specified in Section 290; or 2) is released from a state hospital to which he was committed as a mentally disordered sex offender; or 3) is found not guilty by reason of insanity of any of the charges described above, must provide one buccal swab sample, two right thumbprints, and a full palm print from each hand if their DNA samples and print impressions are not already in the possession of the Department of Justice.

SEE SPECIAL ORDER 335 FOR SPECIFIC DIRECTION ON THE COLLECTION OF DNA SAMPLES AND PRINT IMPRESSIONS.

**MOVEMENT OR RELEASE**

The Department is required by WIC 5328.2 to report to DOJ, the movement or release of Individuals committed as Mentally Disordered Sex Offenders (WIC 6316), Sexually Violent Predators (WIC 6604), found incompetent to stand trial (PC 1370), or not guilty by reason of insanity (PC 1026), or persons receiving treatment pursuant to WIC 5300. Additionally, for persons committed under PC 1026, the form must be sent to the chief of local law enforcement for the jurisdiction in which the person will be released, as well as the County Mental Health Director.

A handwritten signature in black ink, appearing to read 'W. T. Voss', written over a horizontal line.

W. T. VOSS  
Executive Director