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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, an individual; and  
15 JAMES ROES #1 through #1,000, inclusive;

16 Petitioners,

17 vs.

18 CALIFORNIA DEPARTMENT OF JUSTICE;  
19 XAVIER BECERRA, in his official capacity as  
20 Attorney General of the State of California; and  
21 LOS ANGELES COUNTY SHERIFF'S  
22 DEPARTMENT,

23 Respondents.

Case No.: **20STCV12138**

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

24 **INTRODUCTION**

25 1. This action challenges the discretionary, unnecessary, and injurious decision by Respondents  
26 California Department of Justice (“Cal. DOJ”), Attorney General Xavier Becerra, and/or the Los  
27 Angeles County Sheriff’s Department (“LASD”), to require persons required to register as a sex  
28 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**”). Consistent with the Sex Offender Registration Act, periodic

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

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

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

25 4. On information and belief, many registering agencies throughout California, including the  
26 Los Angeles Police Department (“LAPD”), the agency with the largest population of Registrants in

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

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

7 5. Petitioners include a civil rights organization that is comprised of and supports Registrants,  
8 as well as the individual Registrant, Petitioner John Doe, who is deemed vulnerable to infection by  
9 COVID-19 due to chronic medical conditions including asthma, a respiratory disease. As pled more  
10 fully below, Respondent LASD has directed Petitioner John Doe and all Registrants residing in the  
11 jurisdiction of the LASD to appear in person for their periodic updates. In addition, certain  
12 registration officials within the LASD have asserted that the LASD cannot modify its in-person  
13 registration requirement without approval from Respondent Cal. DOJ. Respondents’ mandate that  
14 all Registrants, including those with high risk factors for COVID-19, appear in person forces  
15 Petitioner and all Registrants into a Catch-22. That is, they must either subject themselves to  
16 COVID-19 infection (in violation of a state order), or violate Section 290 by failing to appear in  
17 person, thereby inviting arrest and custody in jail or prison (where the risk of COVID-19 infection is  
18 much greater). Section 290 does not require Registrants to play Russian Roulette with their lives in  
19 order to provide the information required for their periodic updates.

20 6. Accordingly, Petitioners seek a writ of mandate directing Respondent LASD to process 30-  
21 day, 90-day, and annual updates without the additional, non-statutory requirement to appear in  
22 person. Petitioners further seek, against Respondents Cal. DOJ, Becerra, and LASD, injunctive  
23 relief as well as a declaratory judgment that Registrants are not required to appear in person for  
24 periodic updates until the threat of COVID-19 has ended.

### 25 **JURISDICTION AND VENUE**

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

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

**PARTIES**

9. Petitioners reallege and incorporate herein, as though fully set forth, all and inclusively, paragraphs 1 through 8.

10. Petitioner Alliance for Constitutional Sex Offense Laws, Inc. (“ACSOL”) is a non-profit corporation incorporated and headquartered in Los Angeles County, California. ACSOL is dedicated to protecting the Constitution by restoring the civil rights of more than 109,000 Registrants in the State of California through advocacy, education, and litigation on behalf of them and their families. ACSOL is beneficially interested in the outcome of these proceedings, as well as in Respondents’ performance of their legal duties, and therefore seeks by this Petition to procure enforcement of a public duty on a question of public right. (Cal. Civ. Proc. Code § 1086.) In addition, ACSOL’s membership includes thousands of Registrants who reside within the jurisdiction of the LASD who are required to register as sex offenders, who are injured by the discretionary decision challenged in this action, and who are beneficially interested in the outcome of this proceeding.

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

12. Petitioners James Roes #1 through #1,000, inclusive, are additional Registrants residing in the jurisdiction of the LASD who are vulnerable to infection by the COVID-19 virus due to age and/or chronic medical conditions as defined by healthcare officials, and who Respondents are currently requiring to appear in person for periodic updates. The true names of Petitioners James

1 Roes #1 through #1,000 are currently unknown, but Petitioners will add those parties to this action  
2 when their names become known.

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

6 14. Respondent Xavier Becerra is the Attorney General for the State of California. In his  
7 official capacity, as set forth in Article 5, Section 13 of the California Constitution, he is the “chief  
8 law officer of the State,” with a duty “to see that the laws of the state are uniformly and adequately  
9 enforced.” He has “direct supervision over every district attorney and sheriff and over such other  
10 law enforcement officers as may be designated by law.” (Cal. Const. art. 5, § 13.) He “has charge,  
11 as attorney, of all legal matters in which the State is interested.” (Cal. Gov’t Code § 12511.) He is  
12 obligated to enforce the laws of the State and to ensure that those laws are enforced in a manner that  
13 complies with the California and United States Constitutions.

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

19 16. Respondents Cal. DOJ, Becerra, and LASD shall be referred to herein collectively as  
20 “Respondents.”

### 21 **FACTS**

22 17. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
23 inclusively, paragraphs 1 through 16.

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

25 18. In the words of Los Angeles Mayor Eric Garcetti, “The novel coronavirus pandemic is a  
26 global emergency that is unprecedented in modern history.”<sup>2</sup> Extraordinary measures have been

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28 <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)

1 implemented by governments at every level. Most notably, on March 19, 2020, the Governor of  
2 California issued an order calling upon all 40 million residents of the state to remain in their homes,  
3 with limited exceptions for essential travel (hereinafter, the “Order”).<sup>3</sup> Specifically, the Governor’s  
4 Order directs “all individuals living in the State of California to stay home or at their place of  
5 residence except as needed to maintain continuity of operations of the federal critical infrastructure  
6 sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.”<sup>4</sup>  
7 Sex offender registration is not listed among the exceptions to the Order, and violation of the Order  
8 can result in penalties and punishment.

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

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

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

23 \_\_\_\_\_  
24 <sup>3</sup> <https://covid19.ca.gov/stay-home-except-for-essential-needs/>

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

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

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

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

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

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

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

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

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

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

9 b. **Registrants who change their residence address,** whether within the  
10 jurisdiction in which they are currently registered or to a new jurisdiction  
11 outside California. (Penal Code § 290.013, subd. (a) [“A person who was  
12 last registered at a residence address pursuant to the Act who changes his or  
13 her residence address, whether within the jurisdiction in which he or she is  
14 currently registered or to a new jurisdiction inside or outside the state, shall,  
15 in person, within five working days of the move, inform the law enforcement  
16 agency or agencies with which he or she last registered of the move, the new  
17 address or transient location, if known, and any plans he or she has to return  
18 to California.”].)

19 c. **Registrants who legally change their names.** (Penal Code § 290.014, subd.  
20 (a) [“If any person who is required to register pursuant to the Act changes his  
21 or her name, the person shall inform, in person, the law enforcement agency  
22 or agencies with which he or she is currently registered within five working  
23 days”].)

24 25. The Legislature’s decision to expressly require in-person updates in certain limited situations  
25 but not other situations confirms that the Legislature did not intend to require personal appearance at  
26 initial registration, annual updates, 90-day updates, or 30-day updates. (*See Wilson v. City of*  
27 *Laguna Beach* (1992) 6 Cal. App. 4th 543, 554.) On information and belief, the Respondent Cal.  
28 DOJ and various local registering agencies are able to, and do in fact, process registrations when the



1 Registrant does not appear in person, such as when a Registrant is hospitalized or otherwise  
2 incapacitated. Accordingly, Respondents have, but unlawfully refuse to exercise, discretion to  
3 process periodic updates without requiring Registrants to appear in person.

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

6 26. Petitioner John Doe suffers from chronic medical conditions that render him vulnerable to  
7 COVID-19 infection, including asthma, as confirmed by state and local authorities. In addition,  
8 Petitioner John Doe is currently subject to the Governor of California’s Order, which requires him  
9 to remain at home except for “essential” travel pursuant to the terms of that order.

10 27. On March 24-25, 2020, Petitioner John Doe, through his counsel, telephoned five separate  
11 LASD stations (Carson, Compton, Lancaster, Palmdale, and West Hollywood) to inquire whether  
12 Petitioner John Doe and other Registrants are required to appear in person for periodic updates despite  
13 the Governor’s Order as well as the common-sense directives of health care authorities, including  
14 the 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 to COVID-19 or other factors.

17 28. In addition, two of the five LASD registration officials asserted that the LASD cannot  
18 suspend its policy requiring in-person registration unless permitted to do so by Respondent Cal.  
19 DOJ, because Respondent Cal. DOJ mandates that registering agencies such as the LASD require  
20 Registrants to register in person. Accordingly, on information and belief, Respondents Cal. DOJ  
21 and Becerra are responsible for the discretionary decision challenged in this action.

22 29. In addition to being discretionary and not required by Section 290, Respondents’ ongoing  
23 decision to require in-person registration for periodic updates forces Registrants to contravene the  
24 public safety measures imposed by state and local government upon all residents of California,  
25 including Registrants, including the current Order by the Governor of California. (*Helling v.*  
26 *McKinney* (1994) 509 U.S. 25, 33 [“It would be odd to deny an injunction to inmates who plainly  
27 proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had  
28 happened to them.”].) Respondents’ decision therefore threatens both vulnerable Registrants and

1 the larger population with which those Registrants interact, including the public, law enforcement  
2 personnel, and their families.

3 30. On information and belief, the locations in which Registrants are required to register in  
4 person are often unsanitary, crowded, and do not allow for “social distancing” and other  
5 preventative measures mandated by state and local government. For example, many police and  
6 sheriff’s stations are located in areas with large homeless populations. In addition, Registrants are  
7 forced to enter, sit in, touch, and otherwise interact with unsanitary, and often narrow and cramped,  
8 physical environments while registering. Those environments, as well as, the registration  
9 procedures employed by Respondents, require repeated and prolonged contact with potentially  
10 virus-ridden surfaces and objects such as countertops, clip boards, various papers, pens, pen chains,  
11 ink pads, chairs, door handles, water fountains, and Livescan and other fingerprinting machine.  
12 These unsanitary surfaces are touched by innumerable other Registrants, as well as other visitors to  
13 the station and employees of the registering agencies.

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

23 **EQUITY AND IRREPARABLE INJURY**

24 32. Petitioner realleges and incorporates herein, as though fully set forth, each and every, all and  
25 inclusively, paragraphs 1 through 31.

26 33. Risk of infection and death are irreparable injuries remediable by injunction. (*E.g., Harris v.*  
27 *Bd. of Supervisors* (9th Cir. 2004) 366 F.3d 754 759, 766.)

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

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

24 36. There are no plain, adequate, complete, or speedy alternative remedies available to redress  
25 the violations of law committed by Respondents in this action, nor are there any available and non-  
26 futile administrative remedies available to redress the violations of law committed by Respondents.  
27 Damages are not adequate to protect Petitioners from the continuing effects of Respondents'  
28 violations of the law and from Respondents' failure to carry out their duty under the law in

1 compliance with the law. (Cal. Civ. Proc. Code § 1086.)

2 **FIRST CLAIM FOR RELIEF**

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

4 37. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
5 inclusively, paragraphs 1 through 36.

6 38. As recognized by state and local government, COVID-19 is transmittable in the community  
7 through person-to-person contact, or by contact with surfaces that host the virus. In order to  
8 minimize the risk to individuals as well as to society at large, the Governor of California has ordered  
9 all persons to stay at home unless departing for or returning from “essential” trips that do not  
10 include sex offender registration.

11 39. The California Sex Offender Registration Act does not require 30-day, 90-day, or annual  
12 registration updates to be completed in person. Yet, Respondents have forced, and continue to  
13 force, Registrants to appear in person, even during the COVID-19 pandemic, and despite the  
14 Governor’s Order that such persons remain at home. Forcing Registrants to appear at LASD  
15 stations, which poses risk of exposure to COVID-19, for the purpose of period updates exposes  
16 Petitioners, other Registrants, and thus the public at large, to increased risk of infection.

17 40. The state violates the rights of individuals when it subjects them to risk of physical harm and  
18 disease during required interactions with law enforcement. (*See Helling v. McKinney* (1994) 509  
19 U.S. 25, 33.)

20 41. The information required for 30-day, 90-day, and annual updates can be effectively obtained  
21 by Respondents without requiring Registrants to appear in person. In the alternative, Respondents  
22 have the discretion to permit and process periodic updates without requiring Registrants to appear in  
23 person, but Respondents unlawfully refuse to exercise that discretion.

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

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1 43. Respondents have abused their discretion by requiring Petitioners and other Registrants in  
2 vulnerable populations, as defined by state and national health care agencies, to violate the  
3 Governor's Order and to appear in person for periodic updates, thereby subjecting themselves and  
4 the public at large to increased risk of infection by COVID-19.

5 44. 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 45. 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 and the infliction of irreparable harm to Petitioners and all Registrants.

20 **SECOND CLAIM FOR RELIEF**

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

22 46. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and  
23 inclusively, paragraphs 1 through 45.

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

25 48. Petitioners are informed and believe and thereon allege that Respondents, as well as their  
26 deputies, officials, officers, agents, and employees, have failed to comply with the law, and are  
27 abusing their discretion under the law, by requiring Registrants in vulnerable populations as defined  
28 by national and state health care authorities to appear in person for their periodic registration

1 updates amidst the COVID-19 pandemic, as pled herein.

2 49. Petitioners therefore seek a declaration of their rights under California law, as well as a  
3 declaration of Respondents' duties under the Sex Offender Registration Act, California Penal Code  
4 section 290, *et seq.*, and of the scope of Respondents' discretion under that Act.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Petitioners pray for judgment against Respondents Cal. DOJ, Becerra, and  
7 LASD as follows:

- 8 A. That the Court issue a peremptory writ of mandate directing Respondent LASD to cease  
9 requiring persons required to register as a sex offender from appearing in person for 30-  
10 day, 90-day, and annual updates ("periodic updates") pursuant to California Penal Code  
11 sections 290.011 and 290.012 until the threat of COVID-19 has ended;
- 12 B. That the Court issue a peremptory writ of mandate directing Respondents Cal. DOJ and  
13 Becerra to cease requiring persons required to register as a sex offender from appearing  
14 in person for 30-day, 90-day, and annual updates ("periodic updates") pursuant to  
15 California Penal Code sections 290.011 and 290.012 until the threat of COVID-19 has  
16 ended;
- 17 C. For a judgment declaring that California Penal Code sections 290.011 and 290.012 and  
18 other applicable law do not require persons required to register as a sex offender to  
19 appear in person to complete periodic updates;
- 20 D. 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 E. For an injunction restraining Respondents from requiring persons required to register as  
24 a sex offender from appearing in person for periodic updates pursuant to California Penal  
25 Code sections 290.011 and 290.012 until the threat of COVID-19 has ended;

26 ///

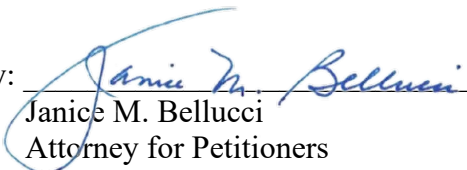
27 ///

28 ///

- 1 F. That Petitioners recover from Respondents all of the Petitioners' reasonable attorneys'  
2 fees, costs, and expenses of this litigation; and  
3 G. For such other and further relief as the Court deems just and proper.  
4

5 Dated: March 26, 2020

LAW OFFICE OF JANICE M. BELLUCCI

6  
7 By:   
8 Janice M. Bellucci  
9 Attorney for Petitioners

10 **VERIFICATION**

11  
12 I, Janice M. Bellucci, have read this PETITION FOR WRIT OF MANDATE AND  
13 COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF in the matter of *Alliance for*  
14 *Constitutional Sex Offense Laws, Inc., et al. v. California Department of Justice, et al.* I am the  
15 Executive Director of Petitioner Alliance for Constitutional Sex Offense Laws, Inc. and make this  
16 declaration on behalf of that entity. In addition, I am counsel of record for Petitioner John Doe in  
17 this action. Pursuant to Code of Civil Procedure section 446, I make this verification on behalf of  
18 Petitioner John Doe because he resides in Los Angeles County, while my office is in the City of  
19 Sacramento. Unless otherwise noted, the facts alleged therein are within my personal knowledge  
20 and I know these facts to be true. As to the remainder of the Petition, I am informed, and do  
21 believe, that the matters therein are true, and on that ground allege that the matters stated therein are  
22 true.

23 Executed March 26, 2020, in Sacramento, California. I declare under the penalty of perjury  
24 under the laws of the State of California that the foregoing is true and correct.

25  
26 By:   
27 Janice M. Bellucci  
28

# **EXHIBIT A**



**MODIFIED SEX REGISTRATION**

**CALL 818-374-9675**

**WE WILL REGISTER YOU OVER THE PHONE.**

**YOU WILL NOT BE ALLOWED IN THE STATION.**

**INSCRIPCIÓN DE DELINCUENTE SEXUAL**

**290PC**

**DEVIDO AL CORONA VIRAL, INSCRIPCION PARA  
DELIQUENTES SEXUAL SERA POR TELEFONO  
NADA MAS! NADIE SERA PERMETIDO EN LA  
ESTACION DE POLICIA. PUEDEN LLAMAR AL  
NUMERO:**

**(818) 374-9675**