

ACT No. 2011 - 640

1 SB296
2 131925-4
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 29-MAR-11



SB296

ENROLLED, An Act,

Relating to sex offender registration and notification; to repeal Sections 13A-11-200, 13A-11-201, and 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code of Alabama 1975, to provide a system for registration by adults and juveniles convicted of certain sex offenses; to provide a system of notification of victims and other members of the general public of information regarding certain sex offenders; to provide residence and employment restrictions for sex offenders; to provide for registration fees; to provide for the duties of clerks of court, magistrates, and judges with regard to sex offenders; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Sex Offender Registration and Community Notification Act.

1 Section 2. The Legislature makes all of the
2 following findings:

3 (1) Registration and notification laws are a vital
4 concern as the number of sex offenders continues to rise. The
5 increasing numbers coupled with the danger of recidivism place
6 society at risk. Registration and notification laws strive to
7 reduce these dangers by increasing public safety and mandating
8 the release of certain information to the public. This release
9 of information creates better awareness and informs the public
10 of the presence of sex offenders in the community, thereby
11 enabling the public to take action to protect themselves.
12 Registration and notification laws aid in public awareness and
13 not only protect the community but serve to deter sex
14 offenders from future crimes through frequent in-person
15 registration. Frequent in-person registration maintains
16 constant contact between sex offenders and law enforcement,
17 providing law enforcement with priceless tools to aid them in
18 their investigations including obtaining information for
19 identifying, monitoring, and tracking sex offenders.

20 (2) Juvenile sex offenders also pose a risk to the
21 community. Due to juvenile sex offenders offending in their
22 formative years, it is imperative that they receive sex
23 offender treatment. At the completion of sex offender
24 treatment, all juvenile sex offenders must undergo a risk
25 assessment, and a hearing must be held by the court to

determine their level of risk to the community and the level of notification that should be provided to best protect the public. Juvenile sex offenders adjudicated delinquent of the most serious offenses who pose a greater threat should be subject to more stringent requirements.

(3) Homeless sex offenders are a group of sex offenders who need to be monitored more frequently for the protection of the public. Homeless sex offenders present a growing concern for law enforcement due to their mobility. As the number of homeless sex offenders increases, locating, tracking, and monitoring these offenders becomes more difficult.

(4) Sexually violent offenders also cause increased concern for law enforcement. These predators are repeat sexual offenders who use physical violence, offend on multiple victims, and prey on children. Due to their likelihood to engage in future sexually violent behavior, they present an extreme threat to the public safety. The Legislature declares that its intent in imposing additional tracking and monitoring requirements on sexually violent predators is to assist law enforcement in carrying out their duties and, most importantly, to protect the public, especially children.

(5) Sex offenders, due to the nature of their offenses, have a reduced expectation of privacy. In balancing the sex offender's rights, and the interest of public safety,

1 the Legislature finds that releasing certain information to
2 the public furthers the primary governmental interest of
3 protecting vulnerable populations, particularly children.
4 Employment and residence restrictions, together with
5 monitoring and tracking, also further that interest. The
6 Legislature declares that its intent in imposing certain
7 registration, notification, monitoring, and tracking
8 requirements on sex offenders is not to punish sex offenders
9 but to protect the public and, most importantly, promote child
10 safety.

11 Section 3. (a) This act is applicable to every adult
12 sex offender convicted of a sex offense as defined in Section
13 5, without regard to when his or her crime or crimes were
14 committed or his or her duty to register pursuant to the act
15 arose.

16 (b) Any adult sex offender shall be subject to this
17 act for life.

18 (c) This act is applicable to juvenile sex offenders
19 who are adjudicated delinquent pursuant to the Alabama
20 Juvenile Justice Act, Sections 12-15-101 to 12-15-601,
21 inclusive, formerly Sections 12-15-1 to 12-15-176, inclusive,
22 Code of Alabama 1975, of a sex offense as defined in Section
23 5.

24 (d) A juvenile sex offender adjudicated delinquent
25 of a sex offense as defined in Section 5 on or after July 1,

1 2011, shall be subject to this act for the duration of time as
2 provided in Section 28. A juvenile sex offender adjudicated
3 delinquent of a sex offense as defined in Section 5 prior to
4 July 1, 2011, shall be subject to registration and
5 verification pursuant to this act for 10 years from the last
6 date of release on the sex offense subjecting the juvenile sex
7 offender to registration, and the juvenile sex offender shall
8 be subject to notification during the registration period if
9 notification was previously ordered by the sentencing court.

10 (e) This act is applicable to youthful offender sex
11 offenders who are adjudicated as a youthful offender pursuant
12 to the Youthful Offender Act, Sections 15-19-1 to 15-19-7,
13 Code of Alabama 1975, of a sex offense as defined in Section
14 5.

15 (f) A youthful offender sex offender adjudicated as
16 a youthful offender of a sex offense as defined in Section 5
17 on or after July 1, 2011, shall be subject to this act as
18 provided in Section 35. A youthful offender sex offender
19 adjudicated as a youthful offender of a sex offense as defined
20 in Section 5 prior to July 1, 2011, shall be treated as
21 follows:

22 (1) If the youthful offender sex offender was not
23 previously adjudicated or convicted of a sex offense, he or
24 she shall be treated as a juvenile sex offender adjudicated
25 prior to July 1, 2011, pursuant to subsection (d).

1 (2) If the youthful offender sex offender was
2 previously adjudicated or convicted of a sex offense, he or
3 she shall be treated as an adult sex offender pursuant to
4 subsection (b).

5 Section 4. For purposes of this act, the following
6 words shall have the following meanings:

7 (1) ADULT SEX OFFENDER. An adult convicted of a sex
8 offense.

9 (2) CHILD. A person who has not attained the age of
10 12.

11 (3) CHILDCARE FACILITY. A licensed child daycare
12 center, a licensed childcare facility, or any other childcare
13 service that is exempt from licensing pursuant to Section
14 38-7-3, Code of Alabama 1975, provided that the licensed child
15 daycare center, licensed childcare facility, or any other
16 childcare service and location are public record or have been
17 provided to local law enforcement.

18 (4) CONVICTION. A determination or judgment of guilt
19 following a verdict or finding of guilt as the result of a
20 trial, a plea of guilty, a plea of nolo contendere, or an
21 Alford plea. Conviction includes, but is not limited to, a
22 conviction in a United States territory, a conviction in a
23 federal or military tribunal, including a court martial
24 conducted by the Armed Forces of the United States, a
25 conviction for an offense committed on an Indian reservation

1 or other federal property, a conviction in any state of the
 2 United States or a conviction in a foreign country if the
 3 foreign country's judicial system is such that it satisfies
 4 minimum due process set forth in the guidelines under Section
 5 111(5) (B) of Public Law 109-248. Cases on appeal are deemed
 6 convictions until reversed or overturned.

7 (5) EMPLOYMENT. Employment that is full-time,
 8 part-time, self-employment, or employment as an independent
 9 contractor or day laborer for any period, whether financially
 10 compensated, volunteered, or for the purpose of government or
 11 educational benefit.

12 (6) FIXED RESIDENCE. A building or structure, having
 13 a physical address or street number, that adequately provides
 14 shelter at which a person resides.

15 (7) HABITUALLY LIVES. Where a person lives with some
 16 regularity on an intermittent or temporary basis.

17 (8) HOMELESS. A person who has no fixed residence.

18 (9) IMMEDIATELY. Within three business days.

19 (10) IMMEDIATE FAMILY MEMBER. A grandparent, parent,
 20 sibling, spouse, child of any age by blood, adoption, or
 21 marriage, or grandchild.

22 (11) JURISDICTION. Any state of the United States,
 23 any United States territory, the District of Columbia, or any
 24 federally recognized Indian tribe.

1 (12) JUVENILE SEX OFFENDER. An individual who has
2 not attained the age of 18 at the time of the offense and who
3 is adjudicated delinquent of a sex offense.

4 (13) LOCAL LAW ENFORCEMENT. The sheriff of the
5 county and the chief of police if the location subject to
6 registration is within the corporate limits of any
7 municipality.

8 (14) MINOR. A person who has not attained the age of
9 18.

10 (15) PREDATORY. An act directed at a stranger, a
11 person of casual acquaintance, or with whom no substantial
12 relationship exists, or a person with whom a relationship has
13 been established or promoted for the purpose of victimization
14 of that person or individuals over whom that person has
15 control.

16 (16) PRIOR CONVICTION. The person has served and has
17 been released or discharged from, or is serving, a separate
18 period of incarceration, commitment, or supervision for the
19 commission of a sex offense, as defined by Section 5, prior
20 to, or at the time of, committing another sex offense.

21 (17) REGISTERING AGENCY. Any law enforcement agency
22 where the sex offender registers required registration
23 information.

24 (18) RELEASE. Release from a state prison, county
25 jail, municipal jail, mental health facility, release or

1 discharge from the custody of the Department of Youth Services
 2 or other juvenile detention, or placement on an appeal bond,
 3 probation, parole, or aftercare, placement into any facility
 4 or treatment program that allows the sex offender to have
 5 unsupervised access to the public, or release from any other
 6 facility, custodial or noncustodial, where the sex offender is
 7 sentenced or made a ward of that facility by a circuit,
 8 district, or juvenile court.

9 (19) REQUIRED REGISTRATION INFORMATION. Any
 10 information required pursuant to Section 7.

11 (20) RESIDENCE. Each fixed residence or other place
 12 where a person resides, sleeps, or habitually lives or will
 13 reside, sleep, or habitually live. If a person does not
 14 reside, sleep, or habitually live in a fixed residence,
 15 residence means a description of the locations where the
 16 person is stationed regularly, day or night, including any
 17 mobile or transitory living quarters or locations that have no
 18 specific mailing or street address. Residence shall be
 19 construed to refer to the places where a person resides,
 20 sleeps, habitually lives, or is stationed with regularity,
 21 regardless of whether the person declares or characterizes
 22 such place as a residence.

23 (21) RESPONSIBLE AGENCY. The person or government
 24 entity whose duty it is to obtain information from a sex
 25 offender and to transmit that information to the Department of

1 Public Safety, police departments, and sheriffs. For a sex
2 offender being released from state prison, the responsible
3 agency is the Department of Corrections. For a sex offender
4 being released from a county jail, the responsible agency is
5 the sheriff of that county. For a sex offender being released
6 from a municipal jail, the responsible agency is the chief of
7 police of that municipality. For a sex offender being placed
8 on probation, including conditional discharge or unconditional
9 discharge, without any sentence of incarceration, the
10 responsible agency is the sentencing court or designee of the
11 sentencing court. For a juvenile sex offender being released
12 from the Department of Youth Services, the responsible agency
13 is the Department of Youth Services. For a sex offender who is
14 being released from a jurisdiction outside this state and who
15 is to reside in this state, the responsible agency is the
16 sheriff of the county in which the offender intends to
17 establish a residence.

18 (22) RISK ASSESSMENT. A written report on the
19 assessment of risk for sexually re-offending conducted by a
20 sex offender treatment program or provider approved by the
21 Department of Youth Services. The report shall include, but
22 not be limited to, the following regarding the juvenile sex
23 offender: criminal history, mental status, attitude, previous
24 sexual offender treatment and response to treatment, social

1 factors, conditions of release expected to minimize risk of
2 sexual re-offending, and characteristics of the sex offense.

3 (23) SCHOOL. A licensed or accredited public,
4 private, or church school that offers instruction in grades
5 K-12. The definition does not include a private residence in
6 which students are taught by parents or tutors or any facility
7 dedicated exclusively to the education of adults unless that
8 facility has a childcare facility as defined in subsection
9 (3).

10 (24) SENTENCING COURT. The court of adjudication or
11 conviction.

12 (25) SEX OFFENSE INVOLVING A CHILD. A conviction for
13 any sex offense in which the victim was a child or any offense
14 involving child pornography.

15 (26) SEX OFFENSE INVOLVING A MINOR. A conviction for
16 any sex offense in which the victim was a minor or any offense
17 involving child pornography.

18 (27) SEX OFFENDER. Includes any adult sex offender,
19 any youthful offender sex offender, and any juvenile sex
20 offender.

21 (28) SEXUALLY VIOLENT PREDATOR. A person who has
22 been convicted of a sexually violent offense and who is likely
23 to engage in one or more future sexually violent offenses or
24 is likely to engage in future predatory sex offenses.

(29) STUDENT. A person who is enrolled in or attends, on a full-time or part-time basis, any public or private educational institution, including a secondary school, trade or professional school, or institution of higher education.

(30) TEMPORARY LODGING INFORMATION. Lodging information including, but not limited to, the name and address of any location where the person is staying when away from his or her residence for three or more days and the period of time the person is staying at that location.

(31) YOUTHFUL OFFENDER SEX OFFENDER. An individual adjudicated as a youthful offender for a sex offense who has not yet attained the age of 21 at the time of the offense.

Section 5. For the purposes of this act, a sex offense includes any of the following offenses:

(1) Rape in the first degree, as provided by Section 13A-6-61, Code of Alabama 1975.

(2) Rape in the second degree, as provided by Section 13A-6-62, Code of Alabama 1975.

(3) Sodomy in the first degree, as provided by Section 13A-6-63, Code of Alabama 1975.

(4) Sodomy in the second degree, as provided by Section 13A-6-64, Code of Alabama 1975.

(5) Sexual misconduct, as provided by Section 13A-6-65, Code of Alabama 1975, provided that on a first

1 conviction or adjudication the sex offender is only subject to
2 registration and verification pursuant to this act. On a
3 second or subsequent conviction or adjudication, if the second
4 or subsequent conviction or adjudication does not arise out of
5 the same set of facts and circumstances as the first
6 conviction or adjudication, the sex offender shall comply with
7 all requirements of this act. The sentencing court may exempt
8 from this act a juvenile sex offender adjudicated delinquent
9 of sexual misconduct.

10 (6) Sexual torture, as provided by Section
11 13A-6-65.1, Code of Alabama 1975.

12 (7) Sexual abuse in the first degree, as provided by
13 Section 13A-6-66, Code of Alabama 1975.

14 (8) Sexual abuse in the second degree, as provided
15 by Section 13A-6-67, Code of Alabama 1975.

16 (9) Indecent exposure, as provided by Section
17 13A-6-68, Code of Alabama 1975, provided that on a first
18 conviction or adjudication the sex offender is only subject to
19 registration and verification pursuant to this act. On a
20 second or subsequent conviction or adjudication, if the second
21 or subsequent conviction or adjudication does not arise out of
22 the same set of facts and circumstances as the first
23 conviction or adjudication, the sex offender shall comply with
24 all requirements of this act. The sentencing court may exempt

1 from this act a juvenile sex offender adjudicated delinquent
2 of indecent exposure.

3 (10) Enticing a child to enter a vehicle, room,
4 house, office, or other place for immoral purposes, as
5 provided by Section 13A-6-69, Code of Alabama 1975.

6 (11) Sexual abuse of a child less than 12 years old,
7 as provided by Section 13A-6-69.1, Code of Alabama 1975.

8 (12) Promoting prostitution in the first degree, as
9 provided by Section 13A-12-111, Code of Alabama 1975.

10 (13) Promoting prostitution in the second degree, as
11 provided by Section 13A-12-112, Code of Alabama 1975.

12 (14) Violation of the Alabama Child Pornography Act,
13 as provided by Sections 13A-12-191, 13A-12-192, 13A-12-196, or
14 13A-12-197, Code of Alabama 1975.

15 (15) Unlawful imprisonment in the first degree, as
16 provided by Section 13A-6-41, Code of Alabama 1975, if the
17 victim of the offense is a minor.

18 (16) Unlawful imprisonment in the second degree, as
19 provided by Section 13A-6-42, Code of Alabama 1975, if the
20 victim of the offense is a minor.

21 (17) Kidnapping in the first degree, as provided by
22 subdivision (4) of subsection (a) of Section 13A-6-43, Code of
23 Alabama 1975, if the intent of the abduction is to violate or
24 abuse the victim sexually.

1 (18) Kidnapping of a minor, except by a parent,
2 guardian, or custodian, as provided by Section 13A-6-43 or
3 13A-6-44, Code of Alabama 1975.

4 (19) Incest, as provided by Section 13A-13-3, Code
5 of Alabama 1975.

6 (20) Transmitting obscene material to a child by
7 computer, as provided by Section 13A-6-111, Code of Alabama
8 1975.

9 (21) School employee engaging in a sex act or
10 deviant sexual intercourse with a student, as provided by
11 Section 13A-6-81, Code of Alabama 1975.

12 (22) School employee having sexual contact with a
13 student, as provided by Section 13A-6-82, Code of Alabama
14 1975.

15 (23) Facilitating solicitation of unlawful sexual
16 conduct with a child, as provided by Section 13A-6-121, Code
17 of Alabama 1975.

18 (24) Electronic solicitation of a child, as provided
19 by Section 13A-6-122, Code of Alabama 1975.

20 (25) Facilitating the on-line solicitation of a
21 child, as provided by Section 13A-6-123, Code of Alabama 1975.

22 (26) Traveling to meet a child for an unlawful sex
23 act, as provided by Section 13A-6-124, Code of Alabama 1975.

1 (27) Facilitating the travel of a child for an
2 unlawful sex act, as provided by Section 13A-6-125, Code of
3 Alabama 1975.

4 (28) Human trafficking in the first degree, as
5 provided by Section 13A-6-152, Code of Alabama 1975, provided
6 that the offense involves sexual servitude.

7 (29) Human trafficking in the second degree, as
8 provided by Section 13A-6-153, Code of Alabama 1975, provided
9 that the offense involves sexual servitude.

10 (30) Custodial sexual misconduct, as provided by
11 Section 14-11-31, Code of Alabama 1975.

12 (31) Any offense which is the same as or equivalent
13 to any offense set forth above as the same existed and was
14 defined under the laws of this state existing at the time of
15 such conviction, specifically including, but not limited to,
16 crime against nature, as provided by Section 13-1-110; rape,
17 as provided by Sections 13-1-130 and 13-1-131; carnal
18 knowledge of a woman or girl, as provided by Sections 13-1-132
19 through 13-1-135, or attempting to do so, as provided by
20 Section 13-1-136; indecent molestation of children, as defined
21 and provided by Section 13-1-113; indecent exposure, as
22 provided by Section 13-1-111; incest, as provided by Section
23 13-8-3; offenses relative to obscene prints and literature, as
24 provided by Sections 13-7-160 through 13-7-175, inclusive;
25 employing, harboring, procuring or using a girl over 10 and

1 under 18 years of age for the purpose of prostitution or
 2 sexual intercourse, as provided by Section 13-7-1; seduction,
 3 as defined and provided by Section 13-1-112; a male person
 4 peeping into a room occupied by a female, as provided by
 5 Section 13-6-6; assault with intent to ravish, as provided by
 6 Section 13-1-46; and soliciting a child by computer, as
 7 provided by Section 13A-6-110, Code of Alabama 1975.

8 (32) Any solicitation, attempt, or conspiracy to
 9 commit any of the offenses listed in subdivisions (1) to (31).

10 (33) Any crime committed in Alabama or any other
 11 state, the District of Columbia, any United States territory,
 12 or a federal, military, Indian, or foreign country
 13 jurisdiction which, if it had been committed in this state
 14 under the current provisions of law, would constitute an
 15 offense listed in subdivisions (1) to (32).

16 (34) Any offense specified by Title I of the federal
 17 Adam Walsh Child Protection and Safety Act of 2006 (Pub. L.
 18 109-248, the Sex Offender Registration and Notification Act
 19 (SORNA)).

20 (35) Any crime committed in another state, the
 21 District of Columbia, any United States territory, or a
 22 federal, military, Indian, or foreign country jurisdiction if
 23 that jurisdiction also requires that anyone convicted of that
 24 crime register as a sex offender in that jurisdiction.

(36) Any offender determined in any jurisdiction to be a sex offender shall be considered a sex offender in this state.

(37) The foregoing notwithstanding, any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, carnal knowledge, sodomy, sexual assault, sexual battery, criminal sexual conduct, criminal sexual contact, sexual abuse, continuous sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child, molestation of a child, criminal sexual misconduct, or video voyeurism.

(38) Any crime not listed in this section wherein the underlying felony is an element of the offense and listed in subdivisions (1) to (37).

(39) Any other offense not provided for in this section wherein there is a finding of sexual motivation as provided by Section 6.

Section 6. (a) The prosecuting attorney may file an allegation of sexual motivation in any criminal case classified as a felony or Class A misdemeanor if sufficient admissible evidence exists that would justify a finding of sexual motivation by a reasonable and objective finder of fact.

1 (b) If the prosecuting attorney files an allegation
2 of sexual motivation, the state shall prove beyond a
3 reasonable doubt that the defendant committed the offense with
4 a sexual motivation.

5 (c) The court shall make a written finding of fact,
6 to be made part of the record upon conviction or adjudication
7 as a youthful offender, of whether or not a sexual motivation
8 was present at the time of the commission of the offense
9 unless the defendant has a trial by jury.

10 (d) If a defendant has a trial by jury, the jury, if
11 it finds the defendant guilty, shall also find a special
12 verdict as to whether or not the defendant committed the crime
13 with a sexual motivation.

14 (e) If there is a finding of sexual motivation, the
15 finding shall be made part of the record of conviction or
16 adjudication.

17 (f) For purposes of this section, sexual motivation
18 means that one of the purposes for which the defendant
19 committed the crime was for the purpose of the sexual
20 gratification of the defendant.

21 (g) This section shall not apply to sex offenses as
22 defined in subdivisions (1) to (38) of Section 5.

23 Section 7. (a) The following registration
24 information, unless otherwise indicated, shall be provided by
25 the sex offender when registering:

1 (1) Name, including any aliases, nicknames, ethnic,
2 or Tribal names.

3 (2) Date of birth.

4 (3) Social Security number.

5 (4) Address of each residence.

6 (5) Name and address of any school the sex offender
7 attends or will attend. For purposes of this subdivision, a
8 school includes an educational institution, public or private,
9 including a secondary school, a trade or professional school,
10 or an institution of higher education.

11 (6) Name and address of any employer where the sex
12 offender works or will work, including any transient or day
13 laborer information.

14 (7) The license plate number, registration number or
15 identifier, description, and permanent or frequent location
16 where all vehicles are kept for any vehicle used for work or
17 personal use, including land vehicles, aircraft, and
18 watercraft.

19 (8) Any telephone number used, including land line
20 and cell phone numbers.

21 (9) Any email addresses or instant message address
22 or identifiers used, including any designations or monikers
23 used for self-identification in Internet communications or
24 postings.

25 (10) A current photograph.

(11) A physical description of the sex offender including physical appearance, physical characteristics, and identifying marks such as scars and tattoos.

(12) Fingerprints and palm prints.

(13) A DNA sample. The DNA sample may be collected by the probation officer, sheriff, chief of police, or other responsible agency. Prior to collecting a DNA sample, the responsible agency shall determine if a DNA sample has already been collected for the sex offender by checking the Dru Sjodin National Sex Offender Public Registry website, the Alabama Department of Forensic Sciences DNATracker site, or with the Alabama Department of Public Safety. If a DNA sample has not been previously collected for the sex offender, the responsible agency shall coordinate for the collection of a DNA sample with the sheriff of the county in which the registration is occurring. The collection of a DNA sample should be performed using materials recommended and/or provided by the Alabama Department of Forensic Sciences. The DNA sample shall be immediately forwarded by the entity collecting the sample to the Department of Forensic Sciences.

(14) A photocopy of the valid driver license or identification card.

(15) A photocopy of any and all passport and immigration documents.

1 (16) Any professional licensing information that
2 authorizes the sex offender to engage in an occupation or
3 carry out a trade or business.

4 (17) A full criminal history of the sex offender,
5 including dates of all arrests and convictions, status of
6 parole, probation, or supervised release, registration status,
7 and outstanding arrest warrants.

8 (18) Any other information deemed necessary by the
9 Director of the Department of Public Safety.

10 (b) The registering agency is not required to obtain
11 any of the following information each time the sex offender
12 verifies his or her required registration information if the
13 registering agency verifies the information has already been
14 collected and has not been changed or altered:

15 (1) A current photograph.

16 (2) Fingerprints or palm prints.

17 (3) A DNA sample.

18 (4) A photocopy of the valid driver license or
19 identification card.

20 (5) A photocopy of any and all passport and
21 immigration documents.

22 (c) The registration information shall be
23 transmitted to the Department of Public Safety in a manner
24 determined by the director of the department and promulgated
25 in rule by the director upon recommendation of an advisory

1 board consisting of representatives of the office of the
2 Attorney General, District Attorneys Association, Chiefs of
3 Police Association, Sheriffs Association, and the Department
4 of Public Safety. The advisory board members shall not receive
5 any compensation or reimbursement for serving on the advisory
6 board.

7 (d) The required registration information shall
8 include a form explaining all registration and notification
9 duties, including any requirements and restrictions placed on
10 the sex offender. This form shall be signed and dated by the
11 sex offender. If the sex offender fails to sign the form, the
12 designee of the registering agency shall sign the form stating
13 that the requirements have been explained to the sex offender
14 and that the sex offender refused to sign.

15 (e) All required registration information shall be
16 stored electronically in a manner determined by the Director
17 of the Department of Public Safety and shall be available in a
18 digitized format by the Department of Public Safety to anyone
19 entitled to receive the information as provided in Section 42.

20 (f) Any person who fails to provide the required
21 registration information pursuant to this section shall be
22 guilty of a Class C felony.

23 Section 8. (a) All of the following registration
24 information shall be provided on the public registry website

1 maintained by the Department of Public Safety and may be
2 provided on any community notification documents:

3 (1) Name, including any aliases, nicknames, ethnic,
4 or Tribal names.

5 (2) Address of each residence.

6 (3) Address of any school the sex offender attends
7 or will attend. For purposes of this subdivision, a school
8 includes an educational institution, public or private,
9 including a secondary school, a trade or professional school,
10 or an institution of higher education.

11 (4) Address of any employer where the sex offender
12 works or will work, including any transient or day laborer
13 information.

14 (5) The license plate number and description of any
15 vehicle used for work or personal use, including land
16 vehicles, aircraft, and watercraft.

17 (6) A current photograph.

18 (7) A physical description of the sex offender.

19 (8) Criminal history of any sex offense for which
20 the sex offender has been adjudicated or convicted.

21 (9) The text of the criminal provision of any sex
22 offense of which the sex offender has been adjudicated or
23 convicted.

24 (10) Status of the sex offender, including whether
25 the sex offender has absconded.

1 (b) None of the following information shall be
2 provided on the public registry website or any other
3 notification documents:

4 (1) Criminal history of any arrests not resulting in
5 conviction.

6 (2) Social Security number.

7 (3) Travel and immigration document numbers.

8 (4) Victim identity.

9 (5) Internet identifiers.

10 (c) Any other required registration information may
11 be included on the website as determined by the Director of
12 the Department of Public Safety.

13 (d) All information shall immediately be posted on
14 the public registry website upon receipt of the information by
15 the Department of Public Safety.

16 (e) The website shall include field search
17 capabilities to search for sex offenders by name, city, county
18 or town, zip code, or geographic radius.

19 (f) The website shall include links to sex offender
20 safety and education resources.

21 (g) The website shall include instructions on how to
22 seek correction of information that a person contends is
23 erroneous.

24 (h) The website shall include a warning that
25 information on the site should not be used to unlawfully

1 injure, harass, or commit a crime against any person named in
2 the registry or residing or working at any reported address
3 and that any such action may result in civil or criminal
4 penalties.

5 Section 9. (a) At least 30 days prior to release, or
6 immediately upon notice of release if release is less than 30
7 days, of an adult sex offender from the county jail, municipal
8 jail, Department of Corrections, or any other facility that
9 has incarcerated the adult sex offender, or immediately upon
10 conviction, if the adult sex offender is not incarcerated, the
11 responsible agency shall:

12 (1) Inform the adult sex offender of his or her duty
13 to register, instruct the adult sex offender to read and sign
14 a form stating that the duty to register has been explained,
15 and obtain the required registration information from the
16 adult sex offender. If the adult sex offender refuses to sign
17 the form, the designee of the responsible agency shall sign
18 the form stating that the requirements have been explained to
19 the adult sex offender and that the adult sex offender refused
20 to sign.

21 (2) If the adult sex offender declares his or her
22 intent to reside within this state, the responsible agency
23 shall immediately notify and provide the required registration
24 information to the Department of Public Safety, the Attorney
25 General, the district attorney in the county of conviction,

1 and local law enforcement where the adult sex offender intends
2 to reside. The notification shall also include any other
3 information available to the responsible agency which would be
4 necessary to identify and trace the adult sex offender,
5 including, but not limited to, each sex offense history or a
6 copy of the pre-sentence investigation of the sex offense and
7 the release date of the adult sex offender.

8 (3) If the adult sex offender declares his or her
9 intent to reside outside of the state, the responsible agency
10 shall immediately notify and provide the required registration
11 information to the Department of Public Safety, the Attorney
12 General, the district attorney in the county of conviction,
13 and the designated state law enforcement agency of the state
14 to which the adult sex offender has declared his or her intent
15 to reside. The notification shall also include any other
16 information available to the responsible agency which would be
17 necessary to identify and trace the adult sex offender,
18 including, but not limited to, each sex offense history or a
19 copy of the pre-sentence investigation of the sex offense and
20 the release date of the sex offender.

21 (4) If an adult sex offender is not able to provide
22 a residence prior to the time of release, then the responsible
23 agency shall notify the sheriff of the county where the last
24 conviction for a sex offense or violation of this act took
25 place at least five days prior to the release of the adult sex

1 offender. Upon notice of the release date from the responsible
2 agency, the sheriff of the county of the last conviction for a
3 sex offense or a violation of this act shall make arrangements
4 to have the adult sex offender immediately remanded to his or
5 her custody to register in accordance with Section 10 at the
6 time of release.

7 (5) Any adult sex offender who is due to be released
8 due to the expiration of his or her sentence and who refuses
9 to provide the required registration information shall be
10 treated as follows:

11 a. If the adult sex offender has not accumulated any
12 incentive time pursuant to Section 14-9-41 of the Code of
13 Alabama 1975, or any other law, he or she shall be charged
14 with violating this section. At least five days prior to his
15 or her release date, the Department of Corrections shall
16 notify the sheriff in the county where the last conviction for
17 a sex offense or violation of this act took place, which
18 county shall be the proper venue for arrest and prosecution of
19 violation of this section. Upon notice of the release date,
20 the sheriff from the county of the last conviction for a sex
21 offense or violation of this act shall make arrangements to
22 have the adult sex offender immediately remanded to his or her
23 custody at the time of release. Any adult sex offender charged
24 with violating this section may only be released on bond on

1 the condition that the adult sex offender is in compliance
2 with this section before being released.

3 b. If the adult sex offender has accumulated
4 correctional incentive time pursuant to Section 14-9-41 of the
5 Code of Alabama 1975, or any other law, the adult sex offender
6 shall be charged with non-compliance with this section and
7 shall not be allowed early release, but instead shall forfeit
8 all correctional incentive time that has accrued pursuant to
9 Section 14-9-41, or other good time allowed by law.

10 (b) An adult sex offender who fails to comply with
11 this section by failing to provide the required registration
12 information shall be guilty of a Class C felony.

13 Section 10. (a)(1) Immediately upon release from
14 incarceration, or immediately upon conviction if the adult sex
15 offender is not incarcerated, the adult sex offender shall
16 appear in person and register all required registration
17 information with local law enforcement in each county in which
18 the adult sex offender resides or intends to reside, accepts
19 or intends to accept employment, and begins or intends to
20 begin school attendance.

21 (2) An adult sex offender who registers pursuant to
22 subdivision (1) shall have 7 days from release to comply with
23 the residence restrictions pursuant to subsection (a) of
24 Section 11.

(b) Immediately upon establishing a new residence, accepting employment, or beginning school attendance, the adult sex offender shall appear in person to register with local law enforcement in each county in which the adult sex offender establishes a residence, accepts employment, or begins school attendance.

(c) (1) Immediately upon transferring or terminating any residence, employment, or school attendance, the adult sex offender shall appear in person to notify local law enforcement in each county in which the adult sex offender is transferring or terminating residence, employment, or school attendance.

(2) Whenever a sex offender transfers his or her residence, as provided in subdivision (1) from one county to another county, the sheriff of the county from which the sex offender is transferring his or her residence shall immediately notify local law enforcement in the county in which the sex offender intends to reside. If a sex offender transfers his or her residence, as provided in subdivision (1) from one county to another jurisdiction, the sheriff of the county from which the sex offender is transferring his or her residence shall immediately notify the chief law enforcement agency in the jurisdiction in which the sex offender intends to reside.

(d) Immediately upon any name change, the adult sex offender shall immediately appear in person to update the information with local law enforcement in each county in which the adult sex offender is required to register.

(e) Upon changing any required registration information the adult sex offender shall immediately appear in person and update the information with local law enforcement in each county in which the adult sex offender resides.

(f) An adult sex offender shall appear in person to verify all required registration information during the adult sex offender's birth month and every three months thereafter, regardless of the month of conviction, for the duration of the adult sex offender's life with local law enforcement in each county in which the adult sex offender resides.

(g) At the time of registration, the adult sex offender shall be provided a form explaining any and all duties and restrictions placed on the adult sex offender. The adult sex offender shall read and sign this form stating that he or she understands the duties and restrictions imposed by this act. If the adult sex offender refuses to sign the form, the designee of the registering agency shall sign the form stating that the requirements have been explained to the adult sex offender and that the adult sex offender refused to sign.

(h) For purposes of this section, a school includes an educational institution, public or private, including a

1 secondary school, a trade or professional school, or an
2 institution of higher education.

3 (i) If an adult sex offender was convicted and
4 required to register prior to July 1, 2011, then the adult sex
5 offender shall begin quarterly registration after his or her
6 next biannual required registration date.

7 (j) Any person who violates this section shall be
8 guilty of a Class C felony.

9 Section 11. (a) No adult sex offender shall
10 establish a residence, maintain a residence after release or
11 conviction, or establish any other living accommodation within
12 2,000 feet of the property on which any school or childcare
13 facility is located unless otherwise exempted pursuant to
14 Sections 23 and 24.

15 (b) No adult sex offender shall establish a
16 residence, maintain a residence after release or conviction,
17 or establish any other living accommodation within 2,000 feet
18 of the property on which his or her former victim, or an
19 immediate family member of the victim, resides unless
20 otherwise exempted pursuant to Section 24.

21 (c) Changes to property within 2,000 feet of a
22 registered address of an adult sex offender which occur after
23 the adult sex offender establishes residency shall not form
24 the basis for finding that the adult sex offender is in
25 violation of this section.

(d) No adult sex offender shall establish or maintain a residence or any other living accommodation with a minor. For the purpose of this subsection, living accommodation includes, but is not limited to, any overnight visit with a minor. Notwithstanding the foregoing, an adult sex offender may reside with a minor if the adult sex offender is the parent, grandparent, stepparent, sibling, or stepsibling of the minor, unless one of the following conditions applies:

(1) Parental rights of the adult sex offender have been or are in the process of being terminated as provided by law.

(2) The adult sex offender has been convicted of any sex offense in which any of the minor children, grandchildren, stepchildren, siblings, or stepsiblings of the adult sex offender was the victim.

(3) The adult sex offender has been convicted of any sex offense in which a minor was the victim and the minor resided or lived with the adult sex offender at the time of the offense.

(4) The adult sex offender has been convicted of any sex offense involving a child, regardless of whether the adult sex offender was related to or shared a residence with the child victim.

1 (5) The adult sex offender has been convicted of any
2 sex offense involving forcible compulsion in which the victim
3 was a minor.

4 (e) Notwithstanding any other provision of law
5 regarding establishment of residence, an adult sex offender
6 shall be deemed to have established a residence in any of the
7 following circumstances:

8 (1) Wherever an adult sex offender resides for three
9 or more consecutive days.

10 (2) Wherever an adult sex offender resides following
11 release, regardless of whether the adult sex offender resided
12 at the same location prior to the time of conviction.

13 (3) Whenever an adult sex offender spends 10 or more
14 aggregate days at a location during a calendar month.

15 (4) Whenever an adult sex offender vacates or fails
16 to spend three or more consecutive days at his or her
17 residence without previously notifying local law enforcement
18 pursuant to Section 15.

19 (f) An adult sex offender is exempt from
20 subsections (a) and (b) during the time an adult sex offender
21 is admitted to a hospital or is incarcerated in a jail,
22 prison, mental health facility, or any other correctional
23 placement facility wherein the adult sex offender is not
24 allowed unsupervised access to the public.

(g) For the purposes of this section, the 2,000-foot measurement shall be taken in a straight line from nearest property line to nearest property line.

(h) Any person who violates this section shall be guilty of a Class C felony.

Section 12. (a) An adult sex offender who no longer has a fixed residence shall be considered homeless and shall appear in person and report such change in fixed residence to local law enforcement where he or she is located immediately upon such change in fixed residence.

(b) In addition to complying with the registration and verification requirements pursuant to Section 10, a homeless adult sex offender who lacks a fixed residence, or who does not provide an address at a fixed residence at the time of release or registration, shall report in person once every seven days to local law enforcement where he or she resides. The weekly report shall be on a day specified by local law enforcement and shall occur during normal business hours.

(c) A homeless adult sex offender who lacks a fixed address shall comply with the residence restrictions set forth in Section 11.

(d) (1) Each time a homeless adult sex offender reports under this section, he or she shall provide all of the following information:

1 a. Name.

2 b. Date of birth.

3 c. Social Security number.

4 d. A detailed description of the location or
5 locations where he or she has resided during the week.

6 e. A list of the locations where he or she plans to
7 reside in the upcoming week with as much specificity as
8 possible.

9 (2) The registering agency is not required to obtain
10 the remaining required registration information from the
11 homeless adult sex offender each time he or she reports to the
12 registering agency unless the homeless adult sex offender has
13 any changes to the remaining required registration
14 information.

15 (e) If an adult sex offender who was homeless
16 obtains a fixed address in compliance with the provisions of
17 Section 11, the adult sex offender shall immediately appear in
18 person to update the information with local law enforcement in
19 each county of residence.

20 (f) Any person who violates this section shall be
21 guilty of a Class C felony.

22 Section 13. (a) No adult sex offender shall apply
23 for, accept, or maintain employment or vocation or volunteer
24 at any school, childcare facility, mobile vending business
25 that provides services primarily to children, or any other

1 business or organization that provides services primarily to
2 children.

3 (b) No adult sex offender shall apply for, accept,
4 or maintain employment or volunteer for any employment or
5 vocation within 2,000 feet of the property on which a school
6 or childcare facility is located unless otherwise exempted
7 pursuant to Sections 24 and 25.

8 (c) No adult sex offender, after having been
9 convicted of a sex offense involving a child, shall apply for,
10 accept, or maintain employment or vocation or volunteer for
11 any employment or vocation within 500 feet of a playground,
12 park, athletic field or facility, or any other business or
13 facility having a principal purpose of caring for, educating,
14 or entertaining minors.

15 (d) Changes to property within 2,000 feet of an
16 adult sex offender's place of employment which occur after an
17 adult sex offender accepts employment shall not form the basis
18 for finding that an adult sex offender is in violation of this
19 section.

20 (e) It shall be unlawful for the owner or operator
21 of any childcare facility or any other organization that
22 provides services primarily to children to knowingly employ or
23 accept volunteer services from an adult sex offender.

1 (f) For purposes of this section, the 2,000-foot
2 measurement shall be taken in a straight line from nearest
3 property line to nearest property line.

4 (g) Any person who violates this section shall be
5 guilty of a Class C felony.

6 Section 14. (a) Any adult sex offender who enters
7 this state and establishes a residence shall immediately
8 appear in person and register all required registration
9 information with local law enforcement in the county of
10 residence.

11 (b) Any adult sex offender who enters this state to
12 accept employment, carry on a vocation, or to become a student
13 and who has not established a residence in this state shall
14 immediately appear in person and register all required
15 registration information with local law enforcement in the
16 county where the adult sex offender accepts employment,
17 carries on a vocation, or becomes a student.

18 (c) Whenever an adult sex offender registers
19 pursuant to this section, he or she shall be subject to the
20 requirements of this act.

21 (d) Within 30 days of initial registration, the
22 adult sex offender shall provide each registering agency with
23 a certified copy of his or her conviction; however, an adult
24 sex offender shall be exempt from this subsection if the adult

1 sex offender provides adequate documentation that the
2 certified record is no longer available or has been destroyed.

3 (e) Any person who violates this section shall be
4 guilty of a Class C felony.

5 Section 15. (a) If an adult sex offender intends to
6 temporarily be away from his or her county of residence for a
7 period of three or more consecutive days, the adult sex
8 offender shall report such information in person immediately
9 prior to leaving his or her county of residence for such
10 travel to local law enforcement in each county of residence.

11 (b) The adult sex offender shall complete a travel
12 permit form immediately prior to travel and provide the dates
13 of travel and temporary lodging information.

14 (c) If a sex offender intends to travel to another
15 country, he or she shall report in person to local law
16 enforcement in each county of residence at least 21 days prior
17 to such travel. Any information reported to local law
18 enforcement in each county of residence shall immediately be
19 reported to the United States Marshals Service and the
20 Department of Public Safety.

21 (d) The travel permit shall explain the duties of
22 the adult sex offender regarding travel. The adult sex
23 offender shall sign the travel permit stating that he or she
24 understands the duties required of him or her. If the adult

1 sex offender refuses to sign the travel permit form, the
2 travel permit shall be denied.

3 (e) The sheriff in each county of residence shall
4 immediately notify local law enforcement in the county or the
5 jurisdiction to which the adult sex offender will be
6 traveling.

7 (f) Upon return to the county of residence, the
8 adult sex offender shall immediately report to local law
9 enforcement in each county of residence.

10 (g) All travel permits shall be included with the
11 adult sex offender's required registration information.

12 (h) Any person who violates this section shall be
13 guilty of a Class C felony.

14 Section 16. (a) No adult sex offender shall contact,
15 directly or indirectly, in person or through others, by phone,
16 mail, or electronic means, any former victim. No sex offender
17 shall make any harassing communication, directly or
18 indirectly, in person or through others, by phone, mail, or
19 electronic means to the victim or any immediate family member
20 of the victim.

21 (b) No adult sex offender shall knowingly come
22 within 100 feet of a former victim.

23 (c) Any person who violates this section shall be
24 guilty of a Class C felony.

1 Section 17. (a) No adult sex offender, after having
2 been convicted of a sex offense involving a minor, shall
3 loiter on or within 500 feet of the property line of any
4 property on which there is a school, childcare facility,
5 playground, park, athletic field or facility, school bus stop,
6 college or university, or any other business or facility
7 having a principal purpose of caring for, educating, or
8 entertaining minors.

9 (b) Under this section, loiter means to enter or
10 remain on property while having no legitimate purpose or, if a
11 legitimate purpose exists, remaining on that property beyond
12 the time necessary to fulfill that purpose. An adult sex
13 offender does not violate this section unless he or she has
14 first been asked to leave a prohibited location by a person
15 authorized to exclude the adult sex offender from the
16 premises. An authorized person includes, but is not limited
17 to, any law enforcement officer, security officer, any owner
18 or manager of the premises, a principal, teacher, or school
19 bus driver if the premises is a school, childcare facility, or
20 bus stop, a coach, if the premises is an athletic field or
21 facility, or any person designated with that authority.

22 (c) For purposes of this section, a school bus stop
23 is any location where a motor vehicle owned or operated by or
24 on behalf of a public or private school stops on a regular

1 basis for the purpose of transporting children to and from
2 school.

3 (d) Any person who violates this section shall be
4 guilty of a Class C felony.

5 Section 18. (a) Every adult sex offender who is a
6 resident of this state shall obtain, and always have in his or
7 her possession, a valid driver license or identification card
8 issued by the Department of Public Safety. If any adult sex
9 offender is ineligible to be issued a driver license or
10 official identification card, the Department of Public Safety
11 shall provide the adult sex offender some other form of
12 identification card or documentation that, if it is kept in
13 the possession of the adult sex offender, shall satisfy the
14 requirements of this section. If any adult sex offender is
15 determined to be indigent, an identification card, or other
16 form of identification or documentation that satisfies the
17 requirements of this section, shall be issued to the adult sex
18 offender at no cost. Indigence shall be determined by order of
19 the court prior to each issuance of a driver license or
20 identification card.

21 (b) The adult sex offender shall immediately obtain
22 a valid driver license or identification card upon his or her
23 initial registration following release, initial registration
24 upon entering the state to become a resident, or immediately
25 following his or her next registration after July 1, 2011.

1 (c) Whenever the Department of Public Safety issues
2 or renews a driver license or identification card to an adult
3 sex offender, the driver license or identification card shall
4 bear a designation that enables law enforcement officers to
5 identify the licensee as a sex offender.

6 (d) Upon obtaining or renewing a driver license or
7 identification card bearing a designation that enables law
8 enforcement officers to identify the licensee as a sex
9 offender, the adult sex offender shall relinquish to the
10 Department of Public Safety any other driver license or
11 identification card previously issued to him or her which does
12 not bear any designation enabling law enforcement officers to
13 identify the licensee as a sex offender.

14 (e) No adult sex offender shall mutilate, mar,
15 change, reproduce, alter, deface, disfigure, or otherwise
16 change the form of any driver license or identification card
17 which is issued to the adult sex offender and which bears any
18 designation enabling law enforcement officers to identify the
19 licensee as a sex offender. An adult sex offender having in
20 his or her possession a driver license or identification card
21 issued to him or her by the Department of Public Safety
22 bearing any designation enabling law enforcement officers to
23 identify the licensee as a sex offender which has been
24 mutilated, marred, changed, reproduced, altered, defaced,

1 disfigured, or otherwise changed shall be prima facie evidence
2 that he or she has violated this section.

3 (f) Any person who violates this section shall be
4 guilty of a Class C felony.

5 Section 19. (a) The state, upon conviction and prior
6 to sentencing, may petition the sentencing court to enter an
7 order declaring a person convicted in this state of a sexually
8 violent or predatory offense as a sexually violent predator.

9 (b) At sentencing, a court may declare a person to
10 be a sexually violent predator. For the purposes of this
11 section, a person is a sexually violent predator if either of
12 the following applies:

13 (1) The person is a repeat sexually violent
14 offender.

15 (2) The person commits a sexually violent offense
16 and is likely to engage in one or more sexually violent
17 offenses in the future.

18 (c) A person is a repeat sexually violent offender
19 for the purposes of this section if the person is convicted of
20 more than one sexually violent offense.

21 (d) For the purposes of this section, a sexually
22 violent offense is any of the following:

23 (1) A sex offense committed by forcible compulsion,
24 violence, duress, menace, fear of immediate bodily injury to

1 the victim or another person, or threatening to retaliate in
2 the future against the victim or any other person.

3 (2) A sex offense involving a child.

4 (3) Any sex offense involving the enticement or
5 solicitation of a minor for sexual purposes.

6 (4) Any sex offense that is predatory in nature.

7 (5) Any solicitation, attempt, or conspiracy to
8 commit any of the offenses listed in subdivisions (1) to (4).

9 (6) Any other offense for which the court makes a
10 specific finding on the record that, based on the
11 circumstances of the case, the person's offense should be
12 considered a sexually violent offense.

13 (e) Any of the following factors may be considered
14 as evidence tending to indicate that there is a likelihood
15 that the person will engage in the future in one or more
16 sexually violent offenses:

17 (1) The person has been convicted two or more times,
18 in separate criminal actions, of a sexually violent offense.
19 For purposes of this subdivision, convictions that result from
20 or are connected with the same act or result from offenses
21 committed at the same time are one conviction.

22 (2) The person has been convicted of a sexually
23 violent offense involving two or more victims regardless of
24 when the acts or convictions occurred.

1 (3) Available information or evidence suggests that
2 the person chronically commits offenses with a sexual
3 motivation.

4 (4) The person has committed one or more offenses in
5 which the person has tortured or engaged in ritualistic acts
6 with one or more victims.

7 (5) The person has committed one or more sex
8 offenses in which one or more victims were physically harmed
9 to the degree that the particular victim's life was in
10 jeopardy.

11 (6) Any other evidence deemed relevant by the court.

12 (f) If the state so petitions, it shall present
13 clear and convincing evidence that the sex offender is likely
14 to engage in one or more future sexually violent offenses or
15 is likely to engage in future predatory sex offenses.

16 (g) Any sex offender determined in any other state
17 to be a sexually violent predator shall be considered a
18 sexually violent predator in this state.

19 (h) A sexually violent predator, as a condition of
20 the sex offender's release from incarceration, shall be
21 subject to electronic monitoring and be required to pay the
22 costs of such monitoring, as set forth in Section 20, for a
23 period of no less than 10 years from the date of the sexually
24 violent predator's release. This requirement shall be imposed
25 by the sentencing court as a part of the sexually violent

1 predator's sentence, as provided in subsection (c) of Section
2 13A-5-6, Code of Alabama 1975, and Section 20.

3 Section 20. (a) The Alabama Criminal Justice
4 Information Center shall implement a system of active and
5 passive electronic monitoring that identifies the location of
6 a monitored person and that can produce upon request reports
7 or records of the person's presence near or within a crime
8 scene or prohibited area, the person's departure from
9 specified geographic limitations, or curfew violations by the
10 offender. The Director of the Criminal Justice Information
11 Center may promulgate any rules as are necessary to implement
12 and administer this system of active electronic monitoring
13 including establishing policies and procedures to notify the
14 person's probation and parole officer or other court-appointed
15 supervising authority when a violation of his or her
16 electronic monitoring restrictions has occurred.

17 (b) The Board of Pardons and Paroles or a court may
18 require, as a condition of release on parole, probation,
19 community corrections, court referral officer supervision,
20 pretrial release, or any other community-based punishment
21 option, that any person charged or convicted of a sex offense
22 be subject to electronic monitoring as provided in subsection
23 (a).

24 (c) Any person designated a sexually violent
25 predator pursuant to Section 19, upon release from

1 incarceration, shall be subject to electronic monitoring
2 supervised by the Board of Pardons and Paroles, as provided in
3 subsection (a), for a period of no less than 10 years from the
4 date of the sexually violent predator's release. This
5 requirement shall be imposed by the sentencing court as a part
6 of the sentence of the sexually violent predator in accordance
7 with subsection (c) of Section 13A-5-6, Code of Alabama 1975.

8 (d) Any person convicted of a Class A felony sex
9 offense involving a child as defined in Section 4, upon
10 release from incarceration, shall be subject to electronic
11 monitoring supervised by the Board of Pardons and Paroles, as
12 provided in subsection (a), for a period of no less than 10
13 years from the date of the sex offender's release. This
14 requirement shall be imposed by the sentencing court as a part
15 of the sex offender's sentence in accordance with subsection
16 (c) of Section 13A-5-6, Code of Alabama 1975.

17 (e) Anyone subject to electronic monitoring pursuant
18 to this section, unless he or she is indigent, shall be
19 required to reimburse the supervising entity a reasonable fee
20 to defray supervision costs. The Board of Pardons and Paroles,
21 the sentencing court, or other supervising entity shall
22 determine the amount to be paid based on the financial means
23 and ability to pay of the person, but such amount shall not
24 exceed fifteen dollars (\$15) per day.

(f) The supervising entity shall pay the Criminal Justice Information Center a fee, to be determined by the center, but not exceeding ten dollars (\$10) per day, to defray monitoring equipment and telecommunications costs.

(g) It shall constitute a Class C felony for any person to alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring under this section.

(h) The procurement of any product or services necessary for compliance with Act 2005-301, including any system of electronic monitoring, any equipment, and the building of a website, shall be subject to the competitive bid process.

Section 21. (a) Immediately upon the release of an adult sex offender or immediately upon notice of where the adult sex offender plans to establish, or has established a residence, the following procedures shall apply:

(1) In the Cities of Birmingham, Mobile, Huntsville, and Montgomery, the chief of police shall notify all persons who have a legal residence within 1,000 feet of the declared residence of the adult sex offender and all schools and childcare facilities within three miles of the declared residence of the adult sex offender that the adult sex offender will be establishing or has established his or her residence.

1 (2) In all other cities in Alabama with a resident
2 population of 5,000 or more, the chief of police, or if none,
3 then the sheriff of the county, shall notify all persons who
4 have a legal residence within 1,500 feet of the declared
5 residence of the adult sex offender and all schools and
6 childcare facilities within three miles of the declared
7 residence of the adult sex offender that the adult sex
8 offender will be establishing or has established his or her
9 residence.

10 (3) In all other municipalities with a resident
11 population of less than 5,000, and in all unincorporated
12 areas, the sheriff of the county in which the adult sex
13 offender intends to reside shall notify all persons who have a
14 legal residence within 2,000 feet of the declared residence of
15 the adult sex offender and all schools and childcare
16 facilities within three miles of the declared residence of the
17 adult sex offender that the adult sex offender will be
18 establishing or has established his or her residence.

19 (b) A community notification flyer shall be made by
20 regular mail or hand delivered to all legal residences
21 required by this section and include registration information
22 pursuant to Section 8. In addition, any other method
23 reasonably expected to provide notification may be utilized,
24 including, but not limited to, posting a copy of the notice in
25 a prominent place at the office of the sheriff and at the

1 police station closest to the declared residence of the
2 released adult sex offender, publicizing the notice in a local
3 newspaper, posting electronically, including the Internet, or
4 other means available.

5 (c) Nothing in this act shall be construed as
6 prohibiting the Director of the Department of Public Safety, a
7 sheriff, or a chief of police from providing community
8 notification under the provisions of this act by regular mail,
9 electronically, or by publication or periodically to persons
10 whose legal residence is within the guidelines of this act or
11 more than the applicable distance from the residence of an
12 adult sex offender.

13 Section 22. (a) An adult sex offender shall pay a
14 registration fee in the amount of ten dollars (\$10) to each
15 registering agency where the adult sex offender resides
16 beginning with the first quarterly registration on or after
17 July 1, 2011, and at each quarterly registration thereafter.

18 (b) Each time an adult sex offender terminates his
19 or her residence and establishes a new residence, he or she
20 shall pay a registration fee in the amount of ten dollars
21 (\$10) to each registering agency where the adult sex offender
22 establishes a new residence.

23 (c) If, at the time of registration, the adult sex
24 offender is unable to pay the registration fee, the
25 registering agency may require the adult sex offender to pay

1 the fee in installments not to exceed 90 days. The registering
2 agency shall waive the registration fee if the adult sex
3 offender has an order from the court declaring his or her
4 indigence. In the event the adult sex offender is determined
5 to be indigent, a periodic review of the adult sex offender's
6 indigent status shall be conducted by the court to determine
7 if the offender is no longer indigent. Further, if the
8 offender is determined to be indigent by the sentencing court,
9 nothing in this act shall prohibit the offender from being
10 placed on a payment plan where the entire fee is collected in
11 total.

12 (d) The fees collected under this section shall be
13 appropriated to the registering agency to defray the costs of
14 sex offender registration, verification, and notification.

15 (e) Any person who willfully fails to pay the
16 required registration fee at the time of registration, or at
17 the time at which the installment payment is due, shall be
18 guilty of a Class B misdemeanor. Upon a second or subsequent
19 conviction for willful failure to pay the required
20 registration fee, the adult sex offender shall be guilty of a
21 Class A misdemeanor.

22 Section 23. (a) A sex offender required to register
23 under this act may petition the court for relief from the
24 residency restriction pursuant to subsection (a) of Section 11

1 during the time a sex offender is terminally ill or
2 permanently immobile.

3 (b) A petition for relief pursuant to this section
4 shall be filed in the circuit court of the county in which the
5 sex offender seeks relief from the residency restriction.

6 (c) The sex offender shall serve a copy of the
7 petition by certified mail on all of the following:

8 (1) The prosecuting attorney in the county of
9 adjudication or conviction, if the sex offender was
10 adjudicated or convicted in this state.

11 (2) The prosecuting attorney of the county where the
12 sex offender seeks relief from the residency restriction.

13 (3) Local law enforcement where the sex offender was
14 adjudicated or convicted if the sex offender was adjudicated
15 or convicted in this state.

16 (4) Local law enforcement where the adult sex
17 offender seeks relief from the residency restriction.

18 (d) The petition and documentation to support the
19 request for relief shall include all of the following:

20 (1) A certified copy of the adjudication or
21 conviction requiring registration, including a detailed
22 description of the sex offense.

23 (2) A list of each county, municipality, and
24 jurisdiction where the sex offender is required to register or
25 has ever been required to register.

1 (3) The sex offender's criminal record and an
2 affidavit stating that the sex offender has no pending
3 criminal charges.

4 (4) Notarized documentation of the sex offender's
5 condition by his or her medical provider.

6 (5) A release allowing the prosecuting attorney or
7 the court to obtain any other medical records or documentation
8 relevant to the petition.

9 (6) Any other information requested by the court
10 relevant to the petition.

11 (e) Upon notification of the petition, the
12 prosecuting attorney shall make reasonable efforts to notify
13 the victim of the crime for which the sex offender is required
14 to register of the petition and the dates and times of any
15 hearings or other proceedings in connection with the petition.

16 (f) The court shall hold a hearing within 30 days of
17 the filing of the petition. Upon request of the prosecuting
18 attorney, and for good cause shown, the hearing may be
19 continued to allow the prosecuting attorney to obtain any
20 relevant records pertinent to the hearing. At the hearing the
21 prosecuting attorney and the victim shall have the opportunity
22 to be heard.

23 (g) The court may issue an order releasing the sex
24 offender from any of the residency restrictions pursuant to
25 subsection (a) of Section 11 if the court finds by clear and

1 convincing evidence that the sex offender does not pose a
 2 substantial risk of perpetrating any future dangerous sexual
 3 offense or that the sex offender is not likely to reoffend.
 4 The court may relieve a sex offender from any residency
 5 restrictions indefinitely or for a specific period of time.

6 (h) The court shall send a copy of any order
 7 releasing a sex offender from any residency restrictions
 8 pursuant to subsection (a) of Section 11 to the prosecuting
 9 attorney and the Department of Public Safety.

10 (i) If the court finds that the sex offender still
 11 poses a risk, has provided false or misleading information in
 12 support of the petition, or failed to serve the petition and
 13 supporting documentation upon the parties as provided for in
 14 subsection (c), then the petition shall be denied.

15 (j) If the petition for release is denied, the sex
 16 offender may not file a subsequent petition for at least 12
 17 months from the date of the final order on the previous
 18 petition unless good cause is shown and the sex offender's
 19 mental or physical condition has severely changed.

20 (k) If at any time the sex offender is no longer
 21 terminally ill or permanently immobile, the sex offender shall
 22 immediately register in person with local law enforcement in
 23 each county of residence and update all required registration
 24 information.

1 (l) No sex offender petitioning the court under this
2 section for an order terminating the sex offender's obligation
3 to comply with the residency restrictions is entitled to
4 publicly funded experts or publicly funded witnesses.

5 (m) The state may petition the court to reinstate
6 the restrictions pursuant to subsection (a) of Section 11 for
7 good cause shown.

8 (n) Notwithstanding any state or local rule
9 assigning costs and fees for filing and processing civil and
10 criminal cases, a petition filed 30 or more days after
11 sentencing shall be assessed a filing fee in the amount of two
12 hundred dollars (\$200) to be distributed as provided in
13 Section 46.

14 (o) If a sex offender seeks relief from the court
15 pursuant to this section, the enforcement of this act shall
16 not be stayed pending a ruling of the court.

17 (p) A person who provides false or misleading
18 information pursuant to this section shall be guilty of a
19 Class C felony.

20 Section 24. (a) At disposition, sentencing, upon
21 completion of probation, or upon completion of a term of
22 registration ordered by the sentencing court, a sex offender
23 may petition the sentencing court for relief from registration
24 and notification resulting from any of the following offenses,

1 provided that he or she meets the requirements set forth in
2 subsection (b):

3 (1) Rape in the second degree, as provided by
4 subdivision (1) of subsection (a) of Section 13A-6-62, Code of
5 Alabama 1975.

6 (2) Sodomy in the second degree, as provided by
7 subdivision (1) of subsection (a) of Section 13A-6-64, Code of
8 Alabama 1975.

9 (3) Sexual abuse in the second degree, as provided
10 by subdivision (2) of subsection (a) of Section 13A-6-67, Code
11 of Alabama 1975.

12 (4) Sexual misconduct, as provided by Section
13 13A-6-65, Code of Alabama 1975.

14 (5) Any crime committed in this state or any other
15 jurisdiction which, if had been committed in this state under
16 the current provisions of law, would constitute an offense
17 listed in subdivisions (1) to (4).

18 (6) Any solicitation, attempt, or conspiracy to
19 commit any of the offenses listed in subdivisions (1) to (5).

20 (b) The sex offender shall prove by clear and
21 convincing evidence all of the following to be eligible for
22 relief under this section:

23 (1) The sex offense did not involve force and was
24 only a crime due to the age of the victim.

1 (2) At the time of the commission of the sex
2 offense, the victim was 13 years of age or older.

3 (3) At the time of the commission of the sex
4 offense, the sex offender was not more than four years older
5 than the victim.

6 (c) The petition for relief shall be filed as
7 follows:

8 (1) If the sex offender was adjudicated or convicted
9 in this state, the petition for relief shall be filed in the
10 sentencing court.

11 (2) If the sex offender was adjudicated or convicted
12 in a jurisdiction outside of this state, the petition for
13 relief shall be filed in the appropriate court of this state
14 with similar jurisdiction in the county in which the sex
15 offender resides.

16 (d) (1) The sex offender shall serve a copy of the
17 petition by certified mail on all of the following:

18 a. The prosecuting attorney in the county of
19 adjudication or conviction, if the sex offender was
20 adjudicated or convicted in this state.

21 b. The prosecuting attorney of the county where the
22 sex offender resides.

23 c. Local law enforcement where the sex offender was
24 adjudicated or convicted, if the sex offender was adjudicated
25 or convicted in this state.

1 d. Local law enforcement where the adult sex
2 offender resides.

3 (2) Failure of the sex offender to serve a copy of
4 the petition as required by this subsection shall result in an
5 automatic denial of the petition.

6 (e) The petition and documentation to support the
7 request for relief shall include all of the following:

8 (1) The offense that the sex offender was initially
9 charged with and the offense that the sex offender was
10 adjudicated or convicted of, if different.

11 (2) A certified copy of the adjudication or
12 conviction requiring registration including a detailed
13 description of the sex offense, if the petition is filed upon
14 completion of probation or a term of registration.

15 (3) Proof of the age of the victim and the age of
16 the sex offender at the time of the commission of the sex
17 offense.

18 (4) A list of each registering agency in each county
19 and jurisdiction in which the sex offender is required to or
20 has ever been required to register, if the petition is filed
21 upon completion of probation or a term of registration.

22 (5) The sex offender's criminal record and an
23 affidavit stating that the sex offender has no pending
24 criminal charges.

1 (6) Any other information requested by the court
2 relevant to the request for relief.

3 (f) Upon notification of the petition, the
4 prosecuting attorney shall make reasonable efforts to notify
5 the victim of the crime for which the sex offender is required
6 to register of the petition and the dates and times of any
7 hearings or other proceedings in connection with the petition.

8 (g) The court shall hold a hearing prior to ruling
9 on the petition. At the hearing, the prosecuting attorney and
10 the victim shall have the opportunity to be heard.

11 (h) In determining whether to grant relief, the
12 court may consider any of the following:

13 (1) Recommendations from the sex offender's
14 probation officer, including, but not limited to, the
15 recommendations in the presentence investigation report and
16 the sex offender's compliance with supervision requirements.

17 (2) Recommendations from the prosecuting attorney.

18 (3) Any written or oral testimony submitted by the
19 victim or the parent, guardian, or custodian of the victim.

20 (4) The facts and circumstances surrounding the
21 offense.

22 (5) The relationship of the parties.

23 (6) The criminal history of the sex offender.

24 (7) The protection of society.

(8) Any other information deemed relevant by the court.

(i) The court may grant full or partial relief from this act. If the court grants relief, the court shall enter an order detailing the relief granted and provide a copy of the order to the prosecuting attorney and the Department of Public Safety.

(j) If the court denies the petition, the sex offender may not petition the court again until 12 months after the date of the order denying the petition.

(k) A sex offender is not eligible for relief under this section if he or she was adjudicated or convicted of a sex offense previous to or subsequent to the offense of which he or she is petitioning the court for relief or has any pending criminal charges for any sex offense.

(l) If a sex offender was adjudicated or convicted of any of the offenses specified in subsection (a) prior to July 1, 2011, and meets the eligibility requirements specified in subsection (b), except as otherwise provided for in subsection (k), the sex offender may petition the court for relief pursuant to this section.

(m) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, a petition filed 30 or more days after sentencing shall be assessed a filing fee in the amount of two

1 hundred dollars (\$200) to be distributed as provided in
2 Section 46.

3 (n) If a sex offender seeks relief from the court
4 pursuant to this section, the enforcement of this act shall
5 not be stayed pending a ruling of the court.

6 (o) Any person who provides false or misleading
7 information pursuant to this section shall be guilty of a
8 Class C felony.

9 Section 25. (a) A sex offender may petition the
10 circuit court in the county where the sex offender seeks to
11 accept or maintain employment for relief from the employment
12 restrictions pursuant to subsection (b) of Section 13. A sex
13 offender adjudicated or convicted of any of the following sex
14 offenses shall not be entitled to relief under this section:

15 (1) Rape in the first degree, as provided by Section
16 13A-6-61, Code of Alabama 1975.

17 (2) Sodomy in the first degree, as provided by
18 Section 13A-6-63, Code of Alabama 1975.

19 (3) Sexual abuse in the first degree, as provided by
20 Section 13A-6-66, Code of Alabama 1975.

21 (4) Sex abuse of a child less than 12 years old, as
22 provided by Section 13A-6-69.1, Code of Alabama 1975.

23 (5) Sexual torture, as provided by Section
24 13A-6-65.1, Code of Alabama 1975.

25 (6) Any sex offense involving a child.

1 (7) Any solicitation, attempt, or conspiracy to
2 commit any of the offenses listed in subdivisions (1) to (6).

3 (8) Any offense committed in any other jurisdiction
4 which, if it had been committed in this state under the
5 current provisions of law, would constitute an offense listed
6 in subdivisions (1) to (7).

7 (b)(1) The sex offender shall serve a copy of the
8 petition by certified mail on all of the following:

9 a. The prosecuting attorney in the county of
10 adjudication or conviction, if the sex offender was
11 adjudicated or convicted in this state.

12 b. The prosecuting attorney of the county in which
13 the sex offender seeks to accept or maintain employment.

14 c. Local law enforcement where the sex offender was
15 adjudicated or convicted, if the sex offender was adjudicated
16 or convicted in this state.

17 d. Local law enforcement where the sex offender
18 seeks to accept or maintain employment.

19 (2) Failure of the sex offender to serve a copy of
20 the petition as required by this subsection shall result in an
21 automatic denial of the petition.

22 (c) The petition and documentation to support the
23 petition shall include all of the following:

24 (1) A certified copy of the adjudication or
25 conviction requiring registration, including a detailed

1 description of the sex offense, if the petition is filed after
2 sentencing.

3 (2) A list of each registering agency in each county
4 and jurisdiction in which the sex offender is required to
5 register or has ever been required to register, if the
6 petition is filed after conviction.

7 (3) The sex offender's criminal record and an
8 affidavit stating that the sex offender has no pending
9 criminal charges.

10 (4) The location where the sex offender is employed
11 or intends to obtain employment.

12 (5) Justification as to why the court should grant
13 relief.

14 (6) Any other information requested by the court
15 relevant to the petition.

16 (d) Upon notification of the petition, the
17 prosecuting attorney shall make reasonable efforts to notify
18 the victim of the crime for which the sex offender is required
19 to register of the petition and the dates and times of any
20 hearings or other proceedings in connection with the petition.

21 (e) The court shall hold a hearing prior to ruling
22 on the petition. At the hearing, the prosecuting attorney and
23 the victim shall have the opportunity to be heard.

24 (f) The court may consider any of the following
25 factors in determining whether to grant relief:

1 (1) The nature of the offense.

2 (2) Past criminal history of the sex offender.

3 (3) The location where the sex offender is employed
4 or intends to obtain employment.

5 (4) Any other information deemed relevant by the
6 court.

7 (g) If the court grants the petition, the court
8 shall enter an order detailing the relief granted and provide
9 a copy of the order to the prosecuting attorney where the
10 petition was filed and to the Department of Public Safety.

11 (h) A sex offender is not eligible for relief under
12 this section if he or she was adjudicated or convicted of a
13 sex offense previous to or subsequent to the offense of which
14 he or she is petitioning the court for relief or has any
15 pending criminal charges for any sex offense.

16 (i) The state may petition the court to reinstate
17 the restrictions pursuant to subsection (b) of Section 13 for
18 good cause shown.

19 (j) Notwithstanding any state or local law or rule
20 assigning costs and fees for filing and processing civil and
21 criminal cases, a petition filed 30 or more days after
22 sentencing shall be assessed a filing fee in the amount of two
23 hundred dollars (\$200) to be distributed as provided in
24 Section 46.

(k) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this act shall not be stayed pending a ruling of the court.

(l) A person who provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Section 26. (a) Upon adjudication of delinquency for a sex offense, a juvenile sex offender shall be required to receive sex offender treatment by a sex offender treatment program or provider approved by the Department of Youth Services.

(b) Upon completion of sex offender treatment, the juvenile sex offender shall be required to undergo a sex offender risk assessment. The treatment provider shall provide a copy of the risk assessment to the sentencing court, the prosecuting attorney, and the juvenile probation officer not less than 60 days prior to the projected release of the juvenile sex offender from a facility where the juvenile sex offender does not have unsupervised access to the public or immediately upon completion of the risk assessment if the juvenile sex offender is not in a facility where the juvenile sex offender does not have unsupervised access to the public.

(c) Upon receiving the risk assessment, the juvenile probation officer shall immediately notify the attorney for the juvenile sex offender and either the parent, guardian, or

1 custodian of the juvenile sex offender of the pending release
2 of the juvenile sex offender and provide them with a copy of
3 the risk assessment.

4 (d) Within 60 days of receiving the risk assessment,
5 the court shall conduct a hearing to determine the risk of the
6 juvenile sex offender to the community and the level of
7 notification that shall apply.

8 (e) No juvenile sex offender shall be removed from
9 the supervision of the sentencing court until such time as the
10 juvenile sex offender has completed treatment, the treatment
11 provider has filed a risk assessment with the sentencing
12 court, and the sentencing court has conducted a hearing to
13 determine the risk of the juvenile sex offender to the
14 community and the level of notification that shall apply.

15 Section 27. (a) In determining whether to apply
16 notification requirements to a juvenile sex offender, the
17 sentencing court shall consider any of the following factors
18 relevant to the risk of re-offense:

19 (1) Conditions of release that minimize the risk of
20 re-offense, including, but not limited to, whether the
21 juvenile sex offender is under supervision of probation,
22 parole, or aftercare; receiving counseling, therapy, or
23 treatment; or residing in a home situation that provides
24 guidance and supervision.

1 (2) Physical conditions that minimize the risk of
2 re-offense, including, but not limited to, advanced age or
3 debilitating illness.

4 (3) Criminal history factors indicative of high risk
5 of re-offense, including whether the conduct of the juvenile
6 sex offender was found to be characterized by repetitive and
7 compulsive behavior.

8 (4) Whether psychological or psychiatric profiles
9 indicate a risk of recidivism.

10 (5) The relationship between the juvenile sex
11 offender and the victim.

12 (6) The particular facts and circumstances
13 surrounding the offense.

14 (7) The level of planning and participation in the
15 offense.

16 (8) Whether the offense involved the use of a
17 weapon, violence, or infliction of serious bodily injury.

18 (9) The number, date, and nature of prior offenses.

19 (10) The response to treatment of the juvenile sex
20 offender.

21 (11) Recent behavior, including behavior while
22 confined or while under supervision in the community.

23 (12) Recent threats against persons or expressions
24 of intent to commit additional crimes.

25 (13) The protection of society.

1 (14) Any other factors deemed relevant by the court.

2 (b) If the sentencing court determines that the
3 juvenile sex offender shall be subject to notification, the
4 level of notification shall be applied as follows:

5 (1) If the risk of re-offense is low, notification
6 that the juvenile sex offender will be establishing or has
7 established his or her residence shall be provided by local
8 law enforcement to the principal of the school where the
9 juvenile sex offender will attend after release. This
10 notification shall include the name, actual living address,
11 date of birth of the juvenile sex offender, and a statement of
12 the sex offense for which he or she has been adjudicated
13 delinquent, including the age and gender of the victim. This
14 information shall be considered confidential by the school and
15 be shared only with the teachers and staff with supervision
16 over the juvenile sex offender. Whomever, except as
17 specifically provided herein, directly or indirectly discloses
18 or makes use of or knowingly permits the use of information
19 concerning a juvenile sex offender described in this section,
20 upon conviction thereof, shall be guilty of a Class A
21 misdemeanor within the jurisdiction of the juvenile court.

22 (2) If the risk of re-offense is moderate,
23 notification that the juvenile sex offender will be
24 establishing, or has established, his or her residence shall
25 be provided by local law enforcement to all schools and

1 childcare facilities within three miles of the declared
 2 residence of the juvenile sex offender. A community
 3 notification flyer shall be mailed by regular mail or hand
 4 delivered to all schools or childcare facilities as required
 5 by this subsection. No other method may be used to disseminate
 6 this information.

7 (3) If the risk of re-offense is high, the public
 8 shall receive notification as though the juvenile sex offender
 9 were an adult sex offender in accordance with Section 21.

10 (c) The sentencing court shall enter an order
 11 stating whether the juvenile sex offender shall be subject to
 12 notification and the level of notification that shall be
 13 applied. The court shall provide a copy of the order to the
 14 prosecuting attorney and to the Department of Public Safety.

15 (d) The determination of notification by the
 16 sentencing court shall not be subject to appeal.

17 Section 28. (a) A juvenile adjudicated delinquent of
 18 any of the following sex offenses, who was 14 or older at the
 19 time of the offense, shall be subject to registration and
 20 notification, if applicable, for life:

21 (1) Rape in the first degree, as provided by Section
 22 13A-6-61, Code of Alabama 1975.

23 (2) Sodomy in the first degree, as provided by
 24 Section 13A-6-63, Code of Alabama 1975.

1 (3) Sexual abuse in the first degree, as provided by
2 Section 13A-6-66, Code of Alabama 1975.

3 (4) Sexual torture, as provided by Section
4 13A-6-65.1, Code of Alabama 1975.

5 (5) Any offense committed in any other jurisdiction
6 which, if had been committed in this state under the current
7 provisions of law, would constitute an offense listed in
8 subdivisions (1) to (4).

9 (6) Any offense, committed in this state or any
10 other jurisdiction, comparable to or more severe than
11 aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or
12 (b).

13 (7) Any attempt or conspiracy to commit any of the
14 offenses listed in subdivisions (1) to (6).

15 (b) A juvenile sex offender subject to lifetime
16 registration may petition the court for relief from
17 registration and notification, if notification was ordered, 25
18 years after the juvenile sex offender is released from the
19 offense subjecting the juvenile sex offender to registration
20 in accordance with this act, pursuant to Section 34.

21 (c) A juvenile sex offender who has been adjudicated
22 delinquent of any sex offense, excluding those listed in
23 subsection (a) of this section, shall be subject to this act
24 for a period of 10 years from the last date of release from

1 the offense subjecting the juvenile sex offender to
2 registration in accordance with this act.

3 (d) If a juvenile sex offender required to register
4 under this act is civilly committed, hospitalized, or
5 re-incarcerated for another offense or, as the result of
6 having violated the terms of probation, parole, or aftercare,
7 fails to register or fails to comply with the requirements of
8 this act, the registration requirements and the remaining
9 period of time for which the juvenile sex offender shall
10 register shall be tolled during the period of commitment,
11 hospitalization, re-incarceration, or noncompliance.

12 (e) The sentencing court or the juvenile court where
13 the juvenile sex offender resides, if the juvenile sex
14 offender's adjudication of delinquency occurred in another
15 jurisdiction, may give a juvenile sex offender credit for the
16 time the juvenile sex offender was registered in another
17 jurisdiction.

18 (f) A juvenile sex offender who is subsequently
19 adjudicated as a youthful offender sex offender or convicted
20 of another sex offense during his or her registration period
21 shall be considered solely an adult sex offender.

22 Section 29. (a) Prior to the release of a juvenile
23 sex offender, the following shall apply:

24 (1) The responsible agency shall require the
25 juvenile sex offender and the parent, custodian, or guardian

1 of the juvenile sex offender to provide the required
2 registration information.

3 (2) If the juvenile sex offender or the parent,
4 guardian, or custodian of the juvenile sex offender declares a
5 residence outside of the state, the responsible agency shall
6 immediately notify the Department of Public Safety and the
7 designated state law enforcement agency of the state to which
8 the juvenile sex offender or the parent, guardian, or
9 custodian of the juvenile sex offender has declared the
10 residence. The notification shall include all information
11 available to the responsible agency that would be necessary to
12 identify and trace the juvenile sex offender, including, but
13 not limited to, the risk assessment and a current photograph
14 of the juvenile sex offender.

15 (3) If the juvenile sex offender or the parent,
16 guardian, or custodian of the juvenile sex offender declares a
17 residence within this state, the responsible agency shall
18 immediately notify the Department of Public Safety, and local
19 law enforcement in each county, in which the juvenile sex
20 offender or the parent, guardian, or custodian of the juvenile
21 sex offender has declared the residence. The notification
22 shall include all information available to the responsible
23 agency that would be necessary to identify and trace the
24 juvenile sex offender, including, but not limited to, the risk

1 assessment and a current photograph of the juvenile sex
2 offender.

3 (b) When a juvenile sex offender becomes the age of
4 majority, the parent, guardian, or custodian of the juvenile
5 sex offender shall no longer be subject to this section and
6 the juvenile sex offender shall instead be solely responsible
7 for all requirements pursuant to this section.

8 (c) Any person who violates this section shall be
9 guilty of a Class C felony.

10 Section 30. (a) Immediately upon release or
11 immediately upon adjudication of delinquency if the juvenile
12 sex offender is not committed, the juvenile sex offender and
13 the parent, custodian, or guardian shall register all required
14 registration information with local law enforcement in each
15 county in which the juvenile sex offender resides or intends
16 to reside.

17 (b) Whenever a juvenile sex offender establishes a
18 new residence, the juvenile sex offender and the parent,
19 custodian, or guardian of the juvenile sex offender shall
20 immediately appear in person to register all required
21 registration information with local law enforcement in each
22 county of residence.

23 (c) If the parent, custodian, or guardian of a
24 juvenile sex offender transfers or terminates the residence of
25 the juvenile sex offender, or the custody of the juvenile sex

1 offender is changed to a different parent, custodian, or
 2 guardian resulting in a transfer of residence, the original
 3 parent, custodian, or guardian with custody shall immediately
 4 notify local law enforcement in each county of residence.

5 (d) Whenever a juvenile sex offender changes any
 6 required registration information, the juvenile sex offender
 7 and the parent, custodian, or guardian of the juvenile sex
 8 offender shall immediately appear in person to update the
 9 required registration information with local law enforcement
 10 in each county in which the juvenile sex offender resides.

11 (e) A juvenile sex offender required to register for
 12 life pursuant to Section 28 shall appear in person with his or
 13 her parent, custodian, or guardian to verify all required
 14 registration information during the birth month of the
 15 juvenile sex offender and every three months thereafter with
 16 the local law enforcement in each county of residence unless
 17 the juvenile sex offender has been relieved from registration
 18 requirements pursuant to Section 34.

19 (f) A juvenile sex offender required to register for
 20 10 years pursuant to Section 28 shall appear in person with
 21 his or her parent, custodian, or guardian to verify all
 22 required registration information during the birth month of
 23 the juvenile sex offender and every year thereafter with local
 24 law enforcement in each county of residence unless the

1 juvenile sex offender has been relieved from registration
2 requirements pursuant to Section 24.

3 (g) At the time of registration, the juvenile sex
4 offender shall be provided a form explaining all duties and
5 any restrictions placed on the juvenile sex offender. The
6 juvenile sex offender and the parent, custodian, or guardian
7 of the juvenile sex offender shall read and sign this form
8 stating that he or she understands the duties and restrictions
9 placed on the juvenile sex offender and his or her parent,
10 custodian, or guardian.

11 (h) When a juvenile sex offender becomes the age of
12 majority, the parent, custodian, or guardian of the juvenile
13 sex offender shall no longer be subject to the requirements of
14 this section, and the juvenile sex offender shall instead be
15 solely responsible for the requirements in this section.

16 (i) A person who violates this section shall be
17 guilty of a Class C felony.

18 Section 31. (a) During the time a juvenile sex
19 offender is subject to the registration requirements of this
20 act, the juvenile sex offender shall not apply for, accept, or
21 maintain employment or vocation, or volunteer for any
22 employment or vocation at any school, childcare facility, or
23 any other business or organization that provides services
24 primarily to children.

(b) It shall be unlawful for the owner or operator of any childcare facility or any other organization that provides services primarily to children to knowingly employ or accept volunteer services from a juvenile sex offender.

(c) Any person who violates this section shall be guilty of a Class C felony.

Section 32. (a) A juvenile sex offender or youthful offender sex offender, or equivalent thereto, who is not currently a resident of this state, shall immediately appear in person and register all required registration information upon establishing a residence, accepting employment, or beginning school attendance in this state with local law enforcement in each county where the juvenile sex offender or youthful offender sex offender resides or intends to reside, accepts employment, or begins school attendance.

(b) Within 30 days of initial registration, the juvenile sex offender or youthful offender sex offender shall provide each registering agency with a certified copy of his or her adjudication; however, a juvenile sex offender or youthful offender sex offender shall be exempt under this subsection if the court of adjudication seals the records and refuses to provide a certified copy or the records have been destroyed by the court.

(c) Whenever a juvenile sex offender enters this state to establish a residence, he or she shall be subject to

1 the requirements of this act as it applies to juvenile sex
2 offenders in this state.

3 (d) Whenever a youthful offender sex offender, or
4 equivalent thereto, enters this state to establish a
5 residence, he or she shall be subject to the requirements of
6 this act as it applies to youthful offender sex offenders in
7 this state.

8 (e) A juvenile sex offender or youthful offender sex
9 offender entering this state to accept employment or begin
10 school attendance, but not to establish a residence, must
11 immediately appear in person and register any subsequent
12 changes to the required registration information with local
13 law enforcement in each county where he or she is required to
14 register.

15 (f) Any person who violates this section shall be
16 guilty of a Class C felony.

17 Section 33. Notwithstanding any other provision of
18 law, the court records of juvenile sex offenders are to be
19 retained, either in paper format or electronically, and not to
20 be destroyed for a period of 75 years from the date of
21 adjudication.

22 Section 34. (a) A juvenile sex offender subject to
23 lifetime registration pursuant to Section 28 may file a
24 petition requesting the court to enter an order relieving the
25 juvenile sex offender of the requirements pursuant to this act

1 25 years after the juvenile sex offender is released from the
2 custody of the Department of Youth Services or sentenced, if
3 the juvenile sex offender was placed on probation, for the sex
4 offense requiring registration pursuant to this act.

5 (b) The petition shall be filed as follows:

6 (1) If the juvenile sex offender was adjudicated
7 delinquent of a sex offense in this state, the petition shall
8 be filed in the juvenile court of the county in which the
9 juvenile sex offender was adjudicated delinquent.

10 (2) If the juvenile sex offender was adjudicated
11 delinquent of a sex offense in a jurisdiction outside of this
12 state, the petition shall be filed in the juvenile court of
13 the county in which the juvenile sex offender resides.

14 (c) (1) The juvenile sex offender shall serve a copy
15 of the petition by certified mail on all of the following:

16 a. The prosecuting attorney in the county of
17 adjudication, if the juvenile sex offender was adjudicated
18 delinquent in this state.

19 b. The prosecuting attorney of the county in which
20 the juvenile sex offender resides.

21 c. Local law enforcement where the juvenile sex
22 offender was adjudicated delinquent, if the juvenile sex
23 offender was adjudicated delinquent in this state.

24 d. Local law enforcement where the juvenile sex
25 offender resides.

1 (2) Failure of the juvenile sex offender to serve a
2 copy of the petition as required by this subsection shall
3 result in an automatic denial of the petition.

4 (d) The petition and documentation to support the
5 petition shall include all of the following:

6 (1) A certified copy of the adjudication of
7 delinquency requiring registration.

8 (2) Documentation of the juvenile sex offender's
9 release date or sentencing date if the juvenile sex offender
10 was placed on probation.

11 (3) Evidence that the juvenile sex offender has
12 completed a treatment program approved by the Department of
13 Youth Services.

14 (4) A list of each county and jurisdiction in which
15 the juvenile sex offender is required to register or has ever
16 been required to register.

17 (5) The juvenile sex offender's criminal record and
18 an affidavit stating that the juvenile sex offender has no
19 pending criminal charges.

20 (6) Any other information requested by the court
21 relevant to the petition.

22 (e) Upon notification of the petition, the
23 prosecuting attorney shall make reasonable efforts to notify
24 the victim of the offense for which the juvenile sex offender
25 is required to register of the petition and of the dates and

1 times of any hearings or other proceedings in connection with
2 the petition.

3 (f) The court shall hold a hearing prior to ruling
4 on the petition. At the hearing, the prosecuting attorney and
5 the victim shall have the opportunity to be heard.

6 (g) The court may consider any of the following
7 factors to determine whether to grant relief:

8 (1) Recommendations from the juvenile sex offender's
9 probation officer, including, but not limited to, the
10 recommendations in the predisposition report and the juvenile
11 sex offender's compliance with supervision requirements.

12 (2) Recommendations from the juvenile sex offender's
13 treatment provider, including, but not limited to, whether the
14 juvenile sex offender successfully completed a treatment
15 program approved by the Department of Youth Services.

16 (3) Recommendations from the prosecuting attorney.

17 (4) Any written or oral testimony submitted by the
18 victim or the parent, custodian, or guardian of the victim.

19 (5) The facts and circumstances surrounding the
20 offense including, but not limited to, the age and number of
21 victims, whether the act was premeditated, and whether the
22 offense involved the use of a weapon, violence, or infliction
23 of serious bodily injury.

1 (6) Any criminal behavior of the juvenile sex
2 offender before and after the adjudication of delinquency that
3 requires reporting.

4 (7) The stability of the juvenile sex offender in
5 employment and housing and his or her community and personal
6 support system.

7 (8) The protection of society.

8 (9) Any other factors deemed relevant by the court.

9 (h) If the court is satisfied by clear and
10 convincing evidence that the juvenile sex offender is
11 rehabilitated and does not pose a threat to the safety of the
12 public, the court may grant relief.

13 (i) The court shall provide a copy of any order
14 granting relief to the prosecuting attorney and to the
15 Department of Public Safety.

16 (j) Upon receipt of a copy of an order granting
17 relief as provided in this section, the Department of Public
18 Safety shall remove the juvenile sex offender from the public
19 registry website. If the registering agencies maintain a local
20 registry of sex offenders who are registered with their
21 agencies, the registering agencies shall remove the
22 registration information of the juvenile sex offender from the
23 local sex offender public registry, if notification applied.

24 (k) If the court denies the petition for relief, the
25 juvenile sex offender shall wait at least 12 months from the

1 date of the order denying the petition before petitioning the
2 court again.

3 (1) Notwithstanding any state or local law or rule
4 assigning costs and fees for filing and processing civil and
5 criminal cases, the fee for filing the petition for relief
6 shall be two hundred dollars (\$200) to be distributed as
7 provided in Section 46.

8 (m) If a sex offender seeks relief from the court
9 pursuant to this section, the enforcement of this act shall
10 not be stayed pending a ruling of the court.

11 (n) A person who provides false or misleading
12 information pursuant to this section shall be guilty of a
13 Class C felony.

14 Section 35. For the purposes of this act, a youthful
15 offender sex offender who has not been previously adjudicated
16 or convicted of a sex offense and who has not yet attained the
17 age of 18 shall be considered a juvenile sex offender. A
18 youthful offender sex offender who has been previously
19 adjudicated or convicted of a sex offense as a juvenile sex
20 offender, youthful offender sex offender, or adult sex
21 offender, or who has attained the age of 18 shall be treated
22 as an adult sex offender convicted of a sex offense. A
23 youthful offender sex offender who is treated as a juvenile
24 sex offender for purposes of this act may not be released from
25 the jurisdiction of the sentencing court until the youthful

1 offender sex offender has undergone sex offender treatment and
2 a risk assessment as required by Section 26.

3 Section 36. (a) No sex offender shall change his or
4 her name unless the change is incident to a change in the
5 marital status of the sex offender or is necessary to effect
6 the exercise of the religion of the sex offender. Such a
7 change shall be immediately reported to local law enforcement
8 in each county in which the sex offender is required to
9 register. If the sex offender is subject to the notification
10 provision of this act, the reporting of a name change under
11 this section shall invoke notification.

12 (b) Any person who violates this section shall be
13 guilty of a Class C felony.

14 Section 37. (a) When a county is notified that a sex
15 offender intends to reside, be employed, or attend school in
16 its county and the sex offender fails to appear for
17 registration upon entering that county as required, the
18 sheriff of the county that received the notice shall
19 immediately inform the sheriff of the county that provided the
20 notice that the sex offender failed to appear for registration
21 as required.

22 (b) When a sex offender fails to register or cannot
23 be located, an effort shall immediately be made by the sheriff
24 in the county in which the sex offender failed to register or

1 is unable to be located to determine whether the sex offender
2 has absconded.

3 (c) If no determination can be made as to whether
4 the sex offender has absconded, the sheriff of the county in
5 which the sex offender failed to appear for registration shall
6 immediately notify the Department of Public Safety and the
7 United States Marshals Service that the sex offender cannot be
8 located and provide any information available to determine
9 whether the sex offender absconded to the United States
10 Marshals Service.

11 (d) Once a determination is made that the sex
12 offender has absconded, the following shall occur:

13 (1) The sheriff of the county in which the sex
14 offender has absconded shall immediately obtain a warrant for
15 the arrest of the sex offender.

16 (2) The sheriff of the county in which the sex
17 offender has absconded shall immediately notify the United
18 States Marshals Service and the Department of Public Safety.

19 (3) The Department of Public Safety shall
20 immediately update its public registry website to reflect that
21 the sex offender has absconded.

22 (4) The Department of Public Safety shall
23 immediately notify the Criminal Justice Information Center,
24 who shall immediately notify the National Criminal Information
25 Center.

(5) The Department of Public Safety shall immediately notify the National Sex Offender Registry to reflect that the sex offender has absconded and enter the information into the National Crime Center Wanted Person File.

Section 38. (a) If a sex offender escapes from a state or local correctional facility, juvenile detention facility, or any other facility that would not permit unsupervised access to the public, the responsible agency, within 24 hours, shall notify the Department of Public Safety, local law enforcement who had jurisdiction at the time of adjudication or conviction of the sex offense, the sheriff of the county and each chief of police of every municipality in the county where the sex offender escaped, and the United States Marshals Service.

(b) The responsible agency shall provide each law enforcement agency listed in subsection (a) with the following information:

(1) The name and aliases of the sex offender.

(2) The amount of time remaining to be served by the sex offender.

(3) The nature of the crime for which the sex offender was incarcerated.

(4) A copy of the fingerprints and current photograph of the sex offender and a summary of the criminal record of the sex offender.

1 Section 39. (a) A person is guilty of the crime of
2 harboring, assisting, concealing, or withholding information
3 about a sex offender if the person has knowledge or reason to
4 believe that a sex offender is required to register and has
5 not complied with the registration requirements of this act
6 and the person assists the sex offender in avoiding a law
7 enforcement agency that is seeking to find the sex offender to
8 question the sex offender about, or to arrest the sex offender
9 for, noncompliance with the requirements of this act if the
10 person does any of the following:

11 (1) Harbors, attempts to harbor, or assists another
12 person in harboring or attempting to harbor the sex offender.

13 (2) Allows a sex offender to reside at his or her
14 residence to avoid registration if the address is not the
15 address the sex offender listed as his or her residence
16 address.

17 (3) Warns a sex offender that a law enforcement
18 agency is attempting to locate the sex offender.

19 (4) Provides the sex offender with money,
20 transportation, weapon, disguise, or other means of avoiding
21 discovery or apprehension.

22 (5) Conceals, attempts to conceal, or assists
23 another in concealing or attempting to conceal the sex
24 offender.

(6) Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.

(b) For the purposes of this section, the term law enforcement agency includes, but is not limited to, the Board of Pardons and Paroles.

(c) Harboring, assisting, or concealing a sex offender is a Class C felony.

Section 40. (a) It is the intent of the Legislature that a duplicate of a certified copy of a public record be admissible and is not dependent on the original custodian of record to gain admissibility. Further, the Legislature finds that the certification by the clerk of the court and the certification by the Department of Public Safety assures reliability and trustworthiness.

(b) The clerk of the court shall forward a certified copy of a sex offender's adjudication or conviction to the Department of Public Safety within 30 days of sentencing of any of the offenses listed in Section 5.

(c) Any state, county, or municipal law enforcement agency, the Attorney General, or a district attorney may request a duplicate of the sex offender's adjudication or conviction from the Department of Public Safety.

(d) Upon the request of any of the agencies listed in subsection (c), the custodian of records, or its designee,

1 of the Department of Public Safety shall immediately certify
2 all of the following:

3 (1) That the Department of Public Safety received
4 the certified copy of the sex offender's conviction or
5 adjudication from the clerk of the court pursuant to
6 subsection (b).

7 (2) That the original certified copy received from
8 the clerk of the court remains in the possession of the
9 Department of Public Safety.

10 (3) That no changes or alterations have been made to
11 the original certified copy.

12 (e) Upon certification by the Department of Public
13 Safety as provided in subsection (d), the Department of Public
14 Safety shall immediately forward the certified documents to
15 the requesting agency.

16 (f) Notwithstanding any other law or rule of
17 evidence, a certified copy of the record of adjudication or
18 conviction as defined in subsection (b), provided by the
19 Department of Public Safety as provided in subsection (d),
20 shall be proof of the sex offender's adjudication or
21 conviction of a sex offense and shall be admissible into
22 evidence, without further proof, in any court in this state.

23 (g) For the purpose of this section, the term
24 conviction or adjudication shall mean a final conviction or

1 adjudication, regardless of whether the conviction or
2 adjudication is on appeal.

3 (h) Any clerk of a court, who fails to report any
4 such conviction or adjudication in his or her court shall be
5 guilty of a Class A misdemeanor.

6 Section 41. (a) After a sex offender's conviction or
7 adjudication, and upon request of the Attorney General's
8 Office, the office of the prosecuting attorney or the clerk of
9 the court shall immediately forward the victim's name and most
10 current address, if available, to the Attorney General's
11 Office of Victim Assistance.

12 (b) When providing notice of a parole hearing, the
13 Board of Pardons and Paroles shall provide the Attorney
14 General's Office of Victim Assistance with any victim
15 information on victims whose offenders are subject to this
16 act.

17 (c) Upon request of the victim, the Attorney
18 General's Office of Victim Assistance shall send a notice to
19 the victim notifying the victim of the pending release of the
20 sex offender and the location at which the sex offender
21 intends to reside. This request by the victim shall be made
22 electronically or in writing to the Attorney General's Office
23 of Victim Assistance.

24 (d) It shall be the responsibility of the victim to
25 inform the Attorney General's Office of Victim Assistance of

1 any change to the victim's address or any other pertinent
2 information. If the notice sent by the Attorney General's
3 Office of Victim Assistance is returned as undeliverable, no
4 further action shall be required of the Attorney General's
5 Office of Victim Assistance.

6 Section 42. (a) Any jurisdiction or agency
7 responsible for registering a sex offender shall immediately
8 forward all required registration information and any changes
9 to the required registration information received to the
10 Department of Public Safety in a manner determined by the
11 director of the department and promulgated in rule by the
12 director upon recommendation of an advisory board consisting
13 of representatives of the office of the Attorney General,
14 District Attorneys Association, Chiefs of Police Association,
15 Sheriffs Association, and the Department of Public Safety. The
16 advisory board members shall not receive any compensation or
17 reimbursement for serving on the advisory board.

18 (b) Upon notification or discovery of the death of a
19 sex offender, the registering agency shall immediately notify
20 the Department of Public Safety.

21 (c) The Department of Public Safety shall
22 immediately enter all registration information received into
23 its sex offender database.

1 (d) All information received by the Department of
2 Public Safety shall be immediately forwarded to the following
3 by the Department of Public Safety:

4 (1) The Alabama Criminal Justice Information Center,
5 who will in turn provide any information received to the
6 National Criminal Information Center or any other law
7 enforcement agency for any lawful criminal justice purpose.

8 (2) The Sex Offender Registration and Notification
9 Act Exchange Portal.

10 (3) The National Sex Offender Registry.

11 (4) Each county and municipality where the sex
12 offender resides, is an employee, or is a student.

13 (5) Each county and municipality from or to which a
14 change of residence, employment, or student status occurs.

15 (6) The campus police in each county or jurisdiction
16 where the sex offender is a student.

17 (7) The United States Marshals Service, if the sex
18 offender is terminating residence in a jurisdiction to
19 relocate to a foreign country.

20 (8) The Attorney General's Office of Victim
21 Assistance.

22 (e) Upon request, all registration information shall
23 be available to all federal, state, county, and municipal law
24 enforcement agencies, prosecuting attorneys, probation

1 officers, and any National Child Protection Act agencies in
2 electronic form.

3 (f) No existing state laws, including, but not
4 limited to, statutes that would otherwise make juvenile and
5 youthful offender records confidential, shall preclude the
6 disclosure of any information requested by a responsible
7 agency, a law enforcement officer, a criminal justice agency,
8 the Office of the Attorney General, or a prosecuting attorney
9 for purposes of administering, implementing, or enforcing this
10 act.

11 (g) The sheriff of each county shall maintain a
12 register or roster of the names of all persons registered by
13 him or her pursuant to this act. The information contained in
14 the register or roster shall be made available, upon request,
15 to all federal, state, county, and municipal law enforcement
16 agencies, prosecuting attorneys, or probation officers for the
17 administration, implementation, or enforcement of this act.

18 Section 43. Except as provided in Sections 23, 24,
19 25, and 34, the sex offender registration and notification
20 requirements required by this act are mandatory and shall not
21 be altered, amended, waived, or suspended by any court. Any
22 order altering, amending, waiving, or suspending sex offender
23 registration and notification requirements, except as provided
24 in Sections 23, 24, 25, and 34, shall be null, void, and of no
25 effect.

1 Section 44. (a) The Director of the Department of
2 Public Safety shall promulgate rules establishing an
3 administrative hearing for persons who are only made subject
4 to this act pursuant to subdivision (33) of Section 5.

5 (b) The Director of the Department of Public Safety
6 shall promulgate rules setting forth a listing of offenses
7 from other jurisdictions that are to be considered criminal
8 sex offenses under subdivision (33) of Section 5. Thereafter,
9 any individual convicted of any offense set forth in the
10 listing shall immediately be subject to this article and shall
11 not be entitled to an administrative hearing as provided in
12 subsection (a).

13 (c) The Director of the Department of Public Safety
14 shall have the authority to promulgate any rules as are
15 necessary to implement and enforce this act.

16 Section 45. (a) A sex offender who is convicted of
17 any offense specified in this act, in addition to any
18 imprisonment or fine, or both, imposed for the commission of
19 the underlying offense, shall be punished by a fine of two
20 hundred fifty dollars (\$250).

21 (b) The fines collected in subsection (a) shall be
22 distributed as follows:

23 (1) Fifty dollars (\$50) to the Highway Traffic
24 Safety Fund in the Department of Public Safety.

1 (2) Twenty-five dollars (\$25) to the Circuit Clerk's
2 Restitution Recovery Fund.

3 (3) Twenty-five dollars (\$25) to the State General
4 Fund.

5 (4) Fifty dollars (\$50) to the District Attorney's
6 Fund or the fund prescribed by law for district attorney fees.

7 (5) Fifty dollars (\$50) to the Office of Prosecution
8 Services for the Alabama Computer Forensics Labs.

9 (6) Fifty dollars (\$50) to the local law enforcement
10 agency providing notification.

11 (c) Fines ordered pursuant to this section shall not
12 be waived, suspended, or remitted.

13 Section 46. The two hundred dollar (\$200) filing fee
14 paid by a sex offender who petitions the court for relief
15 pursuant to Sections 23, 24, 25, or 34 shall be distributed as
16 follows:

17 (1) Fifty dollars (\$50) to the Circuit Clerk's
18 Restitution Recovery Fund.

19 (2) Fifty dollars (\$50) to the law enforcement
20 agency providing community notification.

21 (3) Fifty dollars (\$50) to the District Attorney's
22 Fund or the fund prescribed by law for district attorney fees.

23 (4) Fifty dollars (\$50) to Child Advocacy Centers.

24 (d) The filing fee shall not be suspended, waived,
25 or remitted.

Section 47. Nothing in this act shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this act or the failure to perform any duty imposed by this act.

Section 48. (a) For the purposes of Sections 13A-5-2, 13A-5-6, 14-9-41, 15-18-8, 15-22-27.3, or any other section of the Code of Alabama 1975, a criminal sex offense involving a child shall mean a conviction for any sex offense in which the victim was a child under the age of 12 or any offense involving child pornography.

(b) For the purpose of Section 12-15-107(a)(7), Code of Alabama 1975, a juvenile probation officer shall notify the state and either the parent, legal guardian, or legal custodian of a juvenile sex offender, or the child's attorney for the juvenile sex offender, of the pending release of the sex offender and provide them with a copy of the risk assessment pursuant to Section 26(c).

(c) For the purpose of Section 12-15-116(a)(5), Code of Alabama 1975, a juvenile court shall have exclusive original jurisdiction to try any individual who is 18 years of age or older and violates any of the juvenile criminal sex offender provisions of Section 27(b)(1).

(d) For the purpose of Section 13A-5-6(c), Code of Alabama 1975, an offender is designated a sexually violent predator pursuant to Section 19.

(e) For the purpose of Sections 36-18-24(b)(6) and 36-18-25(c)(1), Code of Alabama 1975, sexual offenses shall include, but not be limited to, those offenses pursuant to Section 5.

(f) For the purpose of Section 32-6-49.24, Code of Alabama 1975, a person who is registered as a sex offender or convicted of a crime that requires registration as a sex offender is a person who is required to register as a sex offender pursuant to this act. A crime or offense that requires registration as a sex offender shall include, but not be limited to, those offenses pursuant to Section 5.

(g) For the purpose of Sections 38-13-2 and 38-13-4, Code of Alabama 1975, a sex crime shall also include any offense listed in this act pursuant to Section 5.

Section 49. Sections 13A-11-200, 13A-11-201, and 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code of Alabama 1975, are repealed.

Section 50. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

1 Section 51. Although this bill would have as its
 2 purpose or effect the requirement of a new or increased
 3 expenditure of local funds, the bill is excluded from further
 4 requirements and application under Amendment 621, now
 5 appearing as Section 111.05 of the Official ReCompilation of
 6 the Constitution of Alabama of 1901, as amended, because the
 7 bill defines a new crime or amends the definition of an
 8 existing crime.

9 Section 52. This act shall become effective on July
 10 1, 2011, following its passage and approval by the Governor,
 11 or its otherwise becoming law.

1
2
3 *Kay Ivey*
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President and Presiding Officer of the Senate

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[Signature]
Speaker of the House of Representatives

7 SB296

8 Senate 05-MAY-11

9 I hereby certify that the within Act originated in and passed
10 the Senate, as amended.
11

12 Patrick Harris
13 Secretary
14

16
17 House of Representatives
18 Amended and passed 01-JUN-11
19

20
21 Senate concurred in House amendment 02-JUN-11
22

23
24 By: Senator Ward

APPROVED

TIME

June 9, 2011
2:38 p.m.
Robert Bentley
GOVERNOR