

# OFFICE OF THE ATTORNEY GENERAL

96-00039



JEFF SESSIONS  
ATTORNEY GENERAL  
STATE OF ALABAMA

NOV 13 1995

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (334) 242-7300

Honorable James B. Johnson  
Sheriff's Office  
Baldwin County  
Bay Minette, AL 36507

Sheriffs - Registration -  
Sexual Misconduct -  
Fingerprints

A sheriff may require an individual who is registering with him pursuant to the Code of Alabama 1975, § 13A-11-200, to submit to fingerprinting.

Dear Sheriff Johnson:

This opinion is issued in response to your request for an opinion from the Attorney General.

## QUESTION

Does the sheriff have the authority to require a sex offender who is registering with his/her office to submit to fingerprinting?

## FACTS AND ANALYSIS

The Code of Alabama 1975, § 13A-11-200, provides in part as follows:

"If any person, except a delinquent child, as defined in Section 12-15-1, residing in Alabama, has heretofore been convicted, or shall be convicted in any

state or municipal court in Alabama or so convicted in another state in any court having jurisdiction similar to the jurisdiction of state and municipal courts in Alabama for any of the offenses herein-after enumerated, such person shall, upon his or her release from legal custody, register with the sheriff of the county of his or her legal residence within 30 days following such release or within 30 days after September 7, 1967, in case such person was released prior to such date. The offenses above referred to are generally any act of sexual perversion involving a member of the same or the opposite sex, or any sexual abuse of any member of the same or the opposite sex or any attempt to commit any of these acts, and without limiting the generality of the above statement shall include specifically: rape, as proscribed by Sections 13A-6-61 and 13A-6-62; sodomy, as proscribed by Section 13A-6-65; indecent exposure, as proscribed by Section 13A-6-68; promoting prostitution in the first or second degree, as proscribed by Sections 13A-12-111 and 13A-12-112; obscenity, as proscribed by Section 13A-12-131; incest, as proscribed by Section 13A-13-3; or the attempt to commit any of the above offenses."

The term "register" is not defined in Chapter 11 of Title 13A or in any other portion of the Code. The term is defined in Black's Law Dictionary, 1990 Edition, to mean, "To record formally and exactly; to enroll; to enter precisely in a list or the like."

There would seem to be no constitutional bar to a sheriff requiring the persons delineated in Section 13A-11-200 to be fingerprinted at the time they register. Nguyen v. State, 547 So.2d 582 (Ala.Cr.App. 1988).

The term "register" as defined above means to record formally and exactly. Under this definition, the term would seem to require the person to provide information for precise identification which could include fingerprints.

Honorable James B. Johnson  
Page 3

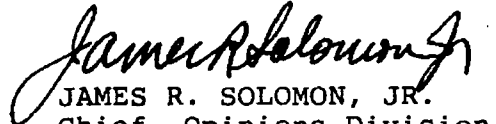
CONCLUSION

A sheriff may require an individual who is registering with him pursuant to the Code of Alabama 1975, § 13A-11-200, to submit to fingerprinting.

I hope this sufficiently answers your question. If our office can be of further assistance, please contact Jack Curtis, Legal Division, Department of Public Safety.

Sincerely,

JEFF SESSIONS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JS/JC/cp

J11.95/OP