

# OFFICE OF THE ATTORNEY GENERAL



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Honorable D. T. Marshall  
Sheriff, Montgomery County  
P.O. Box 4219  
Montgomery, Alabama 36103-4219

## Community Notification Act

The Community Notification Act applies only to those individuals convicted of the offenses listed in section 15-20-21(5) of the Code of Alabama.

Section 13A-11-200 of the Code of Alabama was not repealed by the Community Notification Act.

The lists of persons registered as sex offenders pursuant to section 13A-11-200 are open to inspection only by duly constituted law enforcement officers or agencies.

Dear Sheriff Marshall:

This opinion of the Attorney General is issued in response to your request.

## QUESTIONS

Is a person who has been convicted of a sex-related crime that does not fall under the

Community Notification Act still required to register with the Sheriff and follow the law under section 13A-11-200 of the Code of Alabama?

Is the Sheriff's Department required to notify the community under these circumstances?

Is the convicted person required to follow the law under the Community Notification Act, as far as not living within 1000 feet of a school and other requirements, even though the crime for which he was convicted does not fall under the definitions listed as sex offenses under the Community Notification Act?

#### FACTS, ANALYSIS, AND CONCLUSION

The Community Notification Act is found in section 15-20-20, *et seq.*, of the Code of Alabama. The Community Notification Act applies to "criminal sex offenders." The law defines a "criminal sex offender" as a person "convicted of a criminal sex offense." ALA. CODE § 15-20-21(4) (Supp. 1998). The Community Notification Act provides a list of offenses that are considered "criminal sex offenses" for the purposes of the Act. ALA. CODE § 15-20-21(5) (Supp. 1998). The Community Notification Act applies only to persons convicted of those listed offenses.

Your request concerns an individual convicted of indecent exposure 18 years ago. Indecent exposure is not one of the listed offenses covered by the Community Notification Act. Therefore, the provisions of the Community Notification Act do not apply to an individual convicted of indecent exposure. Neither the notification requirements nor the residency restrictions apply to an individual convicted of indecent exposure.

This Office has previously stated that the Community Notification Act does not repeal the sex offender registration requirements found in section 13A-11-200, *et seq.*, of the Code of Alabama. Attorney General's Opinion to Honorable Tim Morgan, dated May 21, 1998, A.G. No. 98-00155.

Section 13A-11-200 provides:

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 hereinafter 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 Sections 13A-6-63 and 13A-6-64; sexual misconduct, 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.

Any person having been so convicted shall upon moving his legal residence from one county to another register with the sheriff of the county to which he has moved within 30 days after such removal. It shall be unlawful for a convicted sex offender as described in this article to fail or refuse to register as herein required.

ALA. CODE § 13A-11-200 (1994) (emphasis added).

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An individual convicted of indecent exposure would be subject to the provisions of 13A-11-200, *et seq.* The sheriff of each county and the Department of Public Safety are directed to maintain a register or roster of the names of all persons registered pursuant to section 13A-11-200. ALA. CODE § 13A-11-201 and 13A-11-202 (1994). It is important to note, however, that these rosters of names are open to inspection only by duly constituted law enforcement officers or agencies. *Id.*

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Wendi B. Molz of my staff.

Sincerely,

BILL PRYOR  
Attorney General

By:



CAROL JEAN SMITH  
Chief, Opinions Division

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