

# OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL  
STATE OF ALABAMA  
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Honorable Bob Bunting  
Mayor, City of Ozark  
Post Office Box 1987  
Ozark, AL 36361

## Community Notification Act

To determine whether a person convicted in another jurisdiction is subject to the Community Notification Act, the elements of the crime for which the person was convicted must be examined. If the elements of the crime for which the person was convicted correspond to the elements of a crime listed in section 15-20-21(5) a-k, then the Community Notification Act applies.

Dear Mayor Bunting:

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

## QUESTIONS

Whether Alabama authorities charged with the enforcement of the Community Notification Act can look into or make inquiry concerning specific facts alleged to have happened in another state or, alternatively, can Alabama authorities charged with the enforcement of the Act give public notice when the conviction from another state does not match or correspond to paragraphs a through k of section 5 of such Act?

If officials can make inquiries into specific facts alleged to have happened in another state, what kind of proceedings should the offender be given to comply with due process of law?

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." A "criminal sex offender" is defined as "[a] person convicted of a criminal sex offense." ALA. CODE § 15-20-21(4) (Supp. 1998). The Code provides a listing of "criminal sex offenses." ALA. CODE § 15-20-21(5) (Supp. 1998). In addition to the specific crimes listed, the law provides that "[a]ny crime committed in another state or a federal, military, Indian, or a foreign country jurisdiction, which, if it had been committed in this state, would constitute an offense listed in paragraphs a. to k., inclusive." ALA. CODE § 15-20-21(5)l (Supp. 1998).


To determine whether a person convicted in another jurisdiction is subject to the Community Notification Act, the elements of the crime for which the person was convicted must be examined. If the elements of the crime for which the person was convicted correspond to the elements of a crime listed in section 15-20-21(5) a-k, then the Community Notification Act applies.

The authorities charged with the implementation of the Community Notification Act should look only at the crime for which the individual was convicted. Alleged facts surrounding a conviction should not be considered.

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