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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Blake L. Dorning
Madison County Sheriff's Office
100 Northside Square
Huntsville, Alabama 35801

Sheriffs – Sex Offenders Registration
Act – Pardons and Paroles – Sex
Offenders

The Sex Offenders Registration Act
applies to those who have been
“convicted” of or have pleaded *nolo
contendere* to a sex offense.

A pardon that restores all civil and
political rights leaves the former
offender without a conviction.

If a sex offender has received an
unconditional pardon, that offender is
no longer “convicted.”

An unconditionally pardoned sex
offender need not comply with the
Sex Offenders Registration Act.

Dear Sheriff Dorning:

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

QUESTION

Does a convicted sex offender who has
received a pardon, with all civil and political
rights being restored, that contains no limiting
language for sex offender registration under

section 13A-11-200 of the Code of Alabama, continue to be subject to the Sex Offenders Registration Act, or does such pardon release the offender from both the conviction and the requirement to continue compliance with provisions of the Sex Offenders Registration Act?

FACTS AND ANALYSIS

The Sex Offenders Registration Act does not specify whether or to what extent a pardon might relieve a sex offender from complying with its requirements. See ALA. CODE § 13A-11-200 (Supp. 2005). Much like the Community Notification Act [see ALA. CODE §§ 15-20-20 through -38 (Supp. 2005)], the Sex Offenders Registration Act applies to those who have been "convicted" of or have pleaded *nolo contendere* to a sex offense. Thus, the crux of the question presented is whether a sex offender who has received an unconditional pardon remains "convicted" for purposes of the Sex Offenders Registration Act.

Seven years ago, this Office answered a similar question regarding the application of the Community Notification Act to sex offenders who have been pardoned. Opinion to Honorable Donald L. Parker, Acting Executive Director, Board of Pardons and Paroles, dated December 8, 1998, A.G. No. 99-00060 at 4. In that opinion, this Office relied on Sokira v. Burr, 580 So. 2d 1340 (Ala. 1991), to conclude that a pardon that restores all civil and political rights leaves the former offender without a conviction. For that reason, it was determined that a sex offender who has received an unconditional pardon is not subject to the Community Notification Act. Moreover, it was observed that the only way by which a pardoned sex offender may yet be required to comply with the Community Notification Act is if the pardon itself expressly requires such compliance.

The *Sokira* decision has not since been overruled, and the principles expressed in that case apply to the Sex Offenders Registration Act just as they apply to the Community Notification Act. Accordingly, if a sex offender has received an unconditional pardon, that offender is no longer "convicted" and has no duty to comply with the Sex Offenders Registration Act.

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CONCLUSION

If a sex offender has received an unconditional pardon, that offender need not comply with provisions of the Sex Offenders Registration Act.

I hope this sufficiently answers your question. If this Office can be of further assistance, please contact Scott L. Rouse of my staff.

Sincerely,

TROY KING
Attorney General
By:

Brenda F. Smith

BRENDA F. SMITH
Chief, Opinions Division

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