

provided for in Sections 16-61C-1 through 16-61C-6, Code of Alabama 1975. The State Superintendent of Education shall direct the preparation of one or more proposals for funding grants, as provided for in subsection 16-61C-5(1); provided, however, that the superintendent is authorized to delegate the preparation of funding grant proposals to one of the host institutions. The State Superintendent of Education may authorize further expansion of the program as provided for in Section 16-61C-4, subject to the available funding for the ASIM Program over fiscal years 1995-96 and 1996-97. Any further expansion of the ASIM Program that results from the reappropriation of the previously appropriated monies in subsection (a) shall become operational in school year 1996-97.

**Section 2.** Notwithstanding any other law to the contrary, the appropriation made to the Education Technology Fund for fiscal year 1995-96 in Act 95-650 is hereby reduced by the amount of \$1,492,000 and is effectively voided; said amount shall revert to the credit of the Education Trust Fund.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1996

Time: 3:31 P.M.

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Act No. 96-793      S. 393 – Senators Armistead, Mitchell, Bailey, Smith, Lipscomb, Poole, McClain, Mitchem, Barron, Adams, Waggoner, Butler, Hill, Dial, Ghee, Steele, Little, Hale, Windom, Roberts, Myers, Escott-Russell, and Denton

#### AN ACT

Establishing the Community Notification Act; requiring the notification to law enforcement officers and certain residents of the state of the intended residence of a convicted sex offender; providing for the procedure and method of notification, and providing penalties for violations.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Title of Act.

This act shall be known and cited as the Community Notification Act.

**Section 2.** Notification of Law Enforcement Officials When Convicted Sex Crime Offender Establishes Residence in Alabama Subsequent to Incarceration.

(a) For purposes of this act, "criminal sex offender" shall mean a person convicted of any of the following criminal sexual offenses: Rape in the first or second degree; sodomy in the first or second degree; sexual torture; sexual abuse; or incest when the offender is 20 years old or older and the victim is 18 years old or younger.

(b) Thirty days prior to the release of a person convicted of a criminal sexual offense, the following shall apply:

(1) The warden of the correctional facility in which the criminal sex offender is incarcerated shall require the offender to declare in writing the address at which he or she will reside upon release from incarceration.

(2) If the criminal sex offender declares his or her intent to reside outside of the state, the warden shall, within 48 hours of the written declaration required by this act, notify the Attorney General of the state to which the criminal sex offender has declared his or her intent to move, and shall also notify the Federal Bureau of Investigation. The notification shall include all information available to the warden which would be necessary to identify and trace the offender, including, but not limited to, fingerprints and a current photograph of the offender.

(3) If the criminal sex offender declares his or her intent to reside within the geographical boundaries of the state, the warden shall, within 48 hours of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the offender intends to reside, the chief of police of any municipality, and the Federal Bureau of Investigation. The notification shall include all information available to the warden which would be necessary to identify and trace the offender, including, but not limited to, fingerprints and a current photograph of the offender.

(c) In every case when a criminal sex offender is released from incarceration, he or she must reside for a minimum of 30 days at the address stated in his or her declaration of intent.

(d) If a criminal sex offender transfers his or her residence to a different location after the minimum 30 day period, all other provisions for reporting the move shall apply.

**Section 3. Notification of Persons Living in Proximity to Certain Sex Crime Offenders After the Release of Such Offenders From Incarceration.**

(a) Twenty-five days prior to the release of any person convicted of any criminal sexual offense, the following procedure 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 released offender, that the offender will be establishing his or her residence in proximity to the residents. This notification shall include the name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed his or her sentence, and the date upon which the offender will be released. The notification shall also include a statement that the same information is on file at police headquarters and will be available to the general public for inspection and identification purposes during regular business hours. Notification shall be made by regular mail and by posting a copy of the notice mailed in a prominent place at the city hall and at the police station closest to the declared residence of the released offender.

(2) In all other cities in Alabama with a resident population of 5,000 or more, the Chief of Police shall notify all persons who have a legal residence within 1,500 feet of the declared residence of the released offender that the offender will be establishing his or her residence in proximity to the residents. This notification shall include the name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed his or her sentence, and the date upon which the offender will be released. The notification shall also include a statement that the same information is on file at police headquarters and will be available to the general public for inspection and identification purposes during regular business hours. Notification shall be made by regular mail and by posting a copy of the notice mailed in a prominent place at the city hall and at the police station closest to the declared residence of the released offender.

(3) In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the released offender intends to reside shall notify all persons who have a legal residence, or who own property, within 2,000 feet of the declared residence of the released offender, that the offender will be establishing his or her residence in proximity to the residents. This notification shall include the

name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed his or her sentence, and the date upon which the offender will be released. The notification shall also include a statement that the same information is on file at the office of the sheriff and will be available to the general public for inspection and identification purposes during regular business hours. Notification shall be made by regular mail and by posting a copy of the notice mailed in a prominent place at the city hall nearest the declared residence of the released offender and at the office of the sheriff in the county in which the released offender will reside.

(4) Any person convicted of any sex crime against any person, who resides within the geographical boundaries of the state, shall always be subject to the law requiring that other residents living in proximity to the offender be notified.

(A) At the time offenders who were released prior to the implementation of this notification law register their residence as required under other provisions of the law, the notification procedures required of chiefs of police and sheriffs shall apply in the same manner as if the offender were being released from incarceration, with the exception that notification of residents living in proximity to the offender must be notified within 48 hours of the registration of the offender.

(B) Any released sex crime offender for whom the notification requirements of this act apply, shall give 30 days written notice of his or her intent to change his or her legal residence to the sheriff of the county in which he or she resides, and to the sheriff of the county to which he or she plans to move if such are different. The notice of intent to move shall be on a form provided by the sheriff and shall include all the necessary and relevant information required by this act. The sheriff shall transfer the information to the appropriate persons responsible for communicating this information to the proper law enforcement officials and to residents who will be living in proximity to the offender.

(b) No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any public school, private school, day care center, or any other child care facility.

(c) No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any of his or her former victims, nor shall the offender be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim. Violation of this subsection shall constitute a Class A misdemeanor.

(d) No released sex crime offender shall be allowed to establish a legal residence where a person 18 years of age or younger resides, except as elsewhere provided by law.

(e) Violation of any residency restriction by a released sex crime offender shall constitute a Class A misdemeanor.

**Section 4. Notification of Former Victims.**

If the last known address of a victim is in the State of Alabama, the warden shall notify the Attorney General's Office of Victim Assistance and they shall send a notice to the victim that the offender will be released and where the offender intends to reside.

**Section 5. Penalties.**

Any agent of the state, state prison officer, state law enforcement officer, or state official required to perform any affirmative action pursuant to this act who knowingly fails to perform such action, shall, after inquiry by the Attorney General, be fined five hundred dollars (\$500) for each failure to perform any affirmative action required by this act.

**Section 6. Repealer.**

All laws and parts of laws that conflict with this act are hereby repealed to the extent of the conflict.

**Section 7. Severability.**

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.

**Section 8. Effective Date.**

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1996

Time: 3:35 P.M.

Act No. 96-794

H. 1006 - Rep. Hall (L)

**AN ACT**

Relating to Madison County; to authorize the Director of the Madison County License Department to charge and collect a fee not to exceed \$2.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

This act shall be known and cited as the Community Notification Act.

**Section 2.** Notification of Law Enforcement Officials When Convicted Sex Crime Offender Establishes Residence in Alabama Subsequent to Incarceration.

(a) For purposes of this act, "criminal sex offender" shall mean a person convicted of any of the following criminal sexual offenses: Rape in the first or second degree; sodomy in the first or second degree; sexual torture; sexual abuse; or incest when the offender is 20 years old or older and the victim is 18 years old or younger.

(b) Thirty days prior to the release of a person convicted of a criminal sexual offense, the following shall apply:

(1) The warden of the correctional facility in which the criminal sex offender is incarcerated shall require the offender to declare in writing the address at which he or she will reside upon release from incarceration.

(2) If the criminal sex offender declares his or her intent to reside outside of the state, the warden shall, within 48 hours of the written declaration required by this act, notify the Attorney General of the state to which the criminal sex offender has declared his or her intent to move, and shall also notify the Federal Bureau of Investigation. The notification shall include all information available to the warden which would be necessary to identify and trace the offender, including, but not limited to, fingerprints and a current photograph of the offender.

(3) If the criminal sex offender declares his or her intent to reside within the geographical boundaries of the state, the warden shall, within 48 hours of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the offender intends to reside, the chief of police of any municipality, and the Federal Bureau of Investigation. The notification shall include all information available to the warden which would be necessary to identify and trace the offender, including, but not limited to, fingerprints and a current photograph of the offender.

(c) In every case when a criminal sex offender is released from incarceration, he or she must reside for a minimum of 30 days at the address stated in his or her declaration of intent.

(d) If a criminal sex offender transfers his or her residence to a different location after the minimum 30 day period, all other provisions for reporting the move shall apply.

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(2) In all other cities in Alabama with a resident population of 5,000 or more, the Chief of Police shall notify all persons who have a legal residence within 1,500 feet of the declared residence of the released offender that the offender will be establishing his or her residence in proximity to the residents. This notification shall include the name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed his or her sentence, and the date upon which the offender will be released. The notification shall also include a statement that the same information is on file at police headquarters and will be available to the general public for inspection and identification purposes during regular business hours. Notification shall be made by regular mail and by posting a copy of the notice mailed in a prominent place at the city hall and at the police station closest to the declared residence of the released offender.

(3) In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the released offender intends to reside shall notify all persons who have a legal residence, or who own property, within 2,000 feet of the declared residence of the released offender, that the offender will be establishing his or her residence in proximity to the residents. This notification shall include the

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(4) Any person convicted of any sex crime against any person, who resides within the geographical boundaries of the state, shall always be subject to the law requiring that other residents living in proximity to the offender be notified.

(A) At the time offenders who were released prior to the implementation of this notification law register their residence as required under other provisions of the law, the notification procedures required of chiefs of police and sheriffs shall apply in the same manner as if the offender were being released from incarceration, with the exception that notification of residents living in proximity to the offender must be notified within 48 hours of the registration of the offender.

(B) Any released sex crime offender for whom the notification requirements of this act apply, shall give 30 days written notice of his or her intent to change his or her legal residence to the sheriff of the county in which he or she resides, and to the sheriff of the county to which he or she plans to move if such are different. The notice of intent to move shall be on a form provided by the sheriff and shall include all the necessary and relevant information required by this act. The sheriff shall transfer the information to the appropriate persons responsible for communicating this information to the proper law enforcement officials and to residents who will be living in proximity to the offender.

(b) No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any public school, private school, day care center, or any other child care facility.

(c) No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any of his or her former victims, nor shall the offender be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim. Violation of this subsection shall constitute a Class A misdemeanor.

(d) No released sex crime offender shall be allowed to establish a legal residence where a person 18 years of age or younger resides, except as elsewhere provided by law.

(e) Violation of any residency restriction by a released sex crime offender shall constitute a Class A misdemeanor.

#### **Section 4. Notification of Former Victims.**

If the last known address of a victim is in the State of Alabama, the warden shall notify the Attorney General's Office of Victim Assistance and they shall send a notice to the victim that the offender will be released and where the offender intends to reside.

#### **Section 5. Penalties.**

Any agent of the state, state prison officer, state law enforcement officer, or state official required to perform any affirmative action pursuant to this act who knowingly fails to perform such action, shall, after inquiry by the Attorney General, be fined five hundred dollars (\$500) for each failure to perform any affirmative action required by this act.

#### **Section 6. Repealer.**

All laws and parts of laws that conflict with this act are hereby repealed to the extent of the conflict.

#### **Section 7. Severability.**

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.

#### **Section 8. Effective Date.**

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1996

Time: 3:35 P.M.

Act No. 96-794

H. 1006 - Rep. Hall (L)

#### **AN ACT**

Relating to Madison County; to authorize the Director of the Madison County License Department to charge and collect a fee not to exceed \$2.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

and to enforce compliance with Articles 1 and 2 of this chapter or any rule or order of the commission. To prevail in an action, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation.

"(c) The commission shall notify the licensee and qualifying broker in writing regarding the complaint.

"(d) The commission shall notify the complainant, licensee, and qualifying broker in writing regarding the disposition of the complaint."

**Section 2.** 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.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1996

Time: 3:30 P.M.

Act No. 96-792

S. 650 – Senator Sanders

### AN ACT

To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) It is the intent of the Legislature that the unexpended and unencumbered monies that were previously appropriated to the Education Technology Fund in 1) Act 94-673 and 2) the fiscal year 1994-95 appropriation made in Act 95-650 are hereby reappropriated to the Education Technology Fund for fiscal year 1995-96; and if, at the end of fiscal year 1995-96, any such monies remain unexpended and unencumbered, those monies shall be reappropriated for fiscal year 1996-97.

(b) The monies reappropriated in subsection (a) above shall be expended for the Alabama Science in Motion (ASIM) Program,

provided for in Sections 16-61C-1 through 16-61C-6, Code of Alabama 1975. The State Superintendent of Education shall direct the preparation of one or more proposals for funding grants, as provided for in subsection 16-61C-5(1); provided, however, that the superintendent is authorized to delegate the preparation of funding grant proposals to one of the host institutions. The State Superintendent of Education may authorize further expansion of the program as provided for in Section 16-61C-4, subject to the available funding for the ASIM Program over fiscal years 1995-96 and 1996-97. Any further expansion of the ASIM Program that results from the reappropriation of the previously appropriated monies in subsection (a) shall become operational in school year 1996-97.

**Section 2.** Notwithstanding any other law to the contrary, the appropriation made to the Education Technology Fund for fiscal year 1995-96 in Act 95-650 is hereby reduced by the amount of \$1,492,000 and is effectively voided; said amount shall revert to the credit of the Education Trust Fund.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Approved May 29, 1996

Time: 3:31 P.M.

Act No. 96-793

S. 393 – Senators Armistead, Mitchell, Bailey, Smith, Lipscomb, Poole, McClain, Mitchem, Barron, Adams, Waggoner, Butler, Hill, Dial, Ghee, Steele, Little, Hale, Windom, Roberts, Myers, Escott-Russell, and Denton

### AN ACT

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**Section 1.** Title of Act.