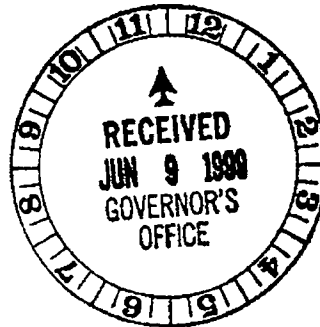


1 HB425
2 18317-5
3 By Representatives Fuller and Knight
4 RFD: Judiciary
5 First Read: 06-APR-1999

ACT No. 99- 572



1
2 Enrolled, An Act,

3 To repeal Sections 15-20-20.1 to 15-20-24,
4 inclusive, Code of Alabama 1975; to add new code sections to
5 further provide for the Community Notification Act; to
6 establish a separate section for juveniles.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Code Sections 15-20-20.1 to 15-20-24,
9 inclusive, Code of Alabama 1975, are hereby repealed.

10 Section 2. The Legislature finds that the danger of
11 recidivism posed by criminal sex offenders and that the
12 protection of the public from these offenders is a paramount
13 concern or interest to government. The Legislature further
14 finds that law enforcement agencies' efforts to protect their
15 communities, conduct investigations, and quickly apprehend
16 criminal sex offenders are impaired by the lack of information
17 about criminal sex offenders who live within their
18 jurisdiction and that the lack of information shared with the
19 public may result in the failure of the criminal justice
20 system to identify, investigate, apprehend, and prosecute
21 criminal sex offenders.

22 The system of registering criminal sex offenders is
23 a proper exercise of the state's police power regulating
24 present and ongoing conduct. Comprehensive registration and
25 periodic address verification will provide law enforcement
26 with additional information critical to preventing sexual

1 victimization and to resolving incidents involving sexual
2 abuse and exploitation promptly. It will allow them to alert
3 the public when necessary for the continued protection of the
4 community.

5 Persons found to have committed a sex offense have a
6 reduced expectation of privacy because of the public's
7 interest in safety and in the effective operation of
8 government. In balancing offender's due process and other
9 rights, and the interests of public security, the Legislature
10 finds that releasing information about criminal sex offenders
11 to law enforcement agencies and, providing access to or
12 releasing such information about criminal sex offenders to the
13 general public, will further the primary government interest
14 of protecting vulnerable populations and in some instances the
15 public, from potential harm. The legislature further finds
16 that residency and employment restrictions for criminal sex
17 offenders provide additional protections to vulnerable
18 segments of the public such as schools and child care
19 facilities.

20 Juvenile sex offenders, like their adult
21 counterparts, pose a danger to the public. Research has shown,
22 however, that there are significant differences between adult
23 and juvenile criminal sexual offenders. Juveniles are much
24 more likely to respond favorably to sexual offender treatment.
25 Juvenile offenders have a shorter history of committing sexual
26 offenses. They are less likely to have deviant sexual arousal

1 patterns and are not as practiced in avoiding responsibility
2 for their abusive behavior. Juveniles are dependent upon
3 adults for food and shelter, as well as the emotional and
4 practical support vital to treatment efforts. Earlier
5 intervention increases the opportunity for success in teaching
6 juveniles how to reduce their risk of sexually re-offending.
7 The Legislature finds juvenile criminal sex offenders should
8 be subject to the Community Notification Act, but that certain
9 precautions should be taken to target the juveniles that pose
10 the more serious threats to the public.

11 Therefore, the state policy is to assist local law
12 enforcement agencies' efforts to protect their communities by
13 requiring criminal sex offenders to register, record their
14 address of residence, to be photographed, fingerprinted, to
15 authorize the release of necessary and relevant information
16 about criminal sex offenders to the public, to mandate
17 residency and employment restrictions upon criminal sex
18 offenders, and to provide certain discretion to judges for
19 application of these requirements as provided in this act.

20 Section 3. The following sections are created as
21 follows:

22 §15-20-21.

23 For purposes of this article, the following words
24 shall have the following meanings:

25 (1) ADULT CRIMINAL SEX OFFENDER. A person convicted
26 of a criminal sex offense.

1 (2) CHILD CARE FACILITY. A licensed daycare center,
2 a licensed child care facility, or any other child care
3 service that is exempt from licensing pursuant to Section
4 38-7-3, Code of Alabama 1975.

5 (3) COMMUNITY NOTIFICATION FLYER. This notification
6 shall include the following information on the criminal sex
7 offender: Name; actual living address; sex; date of birth;
8 complete physical description, including distinguishing
9 features such as scars, birth marks, or any identifying
10 physical characteristics; and a current photograph. This
11 notification shall also include a statement of the criminal
12 sex offense for which he or she has been convicted, including
13 the age and gender of the victim, the geographic area where
14 the offense occurred, and the date upon which the criminal sex
15 offender will be released. This notification shall also
16 include a statement that the same information is on file at
17 the sheriff's office and police headquarters, if a police
18 department has jurisdiction over the criminal sex offender's
19 residence, and that the information will be available to the
20 general public for inspection and identification purposes
21 during regular business hours.

22 (4) CRIMINAL SEX OFFENSE. Any of the following
23 offenses:

24 a. Rape in the first or second degree, as proscribed
25 by Section 13A-6-61 or 13A-6-62; provided that a sentencing
26 court may exempt from this article a juvenile or youthful

1 offender criminal sex offender for a criminal sex offense as
2 defined in Section 13A-6-62(a)(1).

3 b. Sodomy in the first or second degree, as
4 proscribed by Section 13A-6-63 or 13A-6-64.

5 c. Sexual torture, as proscribed by Section
6 13A-6-65.1.

7 d. Sexual abuse in the first or second degree as
8 proscribed by Section 13A-6-66 or 13A-6-67.

9 e. Enticing a child to enter a vehicle, room, house,
10 office, or other place for immoral purposes, as proscribed by
11 Section 13A-6-69.

12 f. Promoting prostitution in the first or second
13 degree, as proscribed by Section 13A-12-111 or 13A-12-112.

14 g. Violation of the Alabama Child Pornography Act,
15 as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,
16 or 13A-12-197.

17 h. Kidnapping of a minor, except by a parent, in the
18 first or second degree, as proscribed by Section 13A-6-43 or
19 Section 13A-6-44.

20 i. Incest, as proscribed by Section 13A-13-3, when
21 the offender is an adult and the victim is a minor.

22 j. Soliciting a child by computer for the purposes
23 of committing a sexual act and transmitting obscene material
24 to a child by computer as proscribed by Sections 13A-6-110 and
25 13A-6-111.

1 k. Any solicitation, attempt, or conspiracy to
2 commit any of the offenses listed in paragraphs a. to j.,
3 inclusive.

4 l. Any crime committed in any state or a federal,
5 military, Indian, or a foreign country jurisdiction which, if
6 it had been committed in this state under the current
7 provisions of law, would constitute an offense listed in
8 paragraphs a. to k., inclusive.

9 (5) JUVENILE CRIMINAL SEX OFFENDER. An individual
10 adjudicated delinquent of a criminal sex offense.

11 (6) RELEASE. Release from a state prison, county
12 jail, or municipal jail, or release or discharge from the
13 custody of the Department of Youth Services or other juvenile
14 detention, or placement on probation or parole or aftercare,
15 or placement into any facility or treatment program that
16 allows the offender to have unsupervised access to the public.

17 (7) RESPONSIBLE AGENCY. The person or government
18 entity whose duty it is to obtain information from a criminal
19 sex offender before release and to transmit that information
20 to police departments or sheriffs responsible for providing
21 community notification. For a criminal sex offender being
22 released from state prison, the responsible agency is the
23 Department of Corrections. For a criminal sex offender being
24 released from a county jail, the responsible agency is the
25 sheriff of that county. For a criminal sex offender being
26 released from a municipal jail, the responsible agency is the

1 police department of that municipality. For a criminal sex
2 offender being placed on probation, including conditional
3 discharge or unconditional discharge, without any sentence of
4 incarceration, the responsible agency is the sentencing court.
5 For a criminal sex offender being released from the Department
6 of Youth Services, the responsible agency is the Department of
7 Youth Services. For a criminal sex offender who is being
8 released from a jurisdiction outside this state and who is to
9 reside in this state, the responsible agency is the Department
10 of Public Safety.

11 (8) RISK ASSESSMENT. A written report on the
12 assessment of risk for sexually re-offending conducted by a
13 sexual treatment program approved by the Department of Youth
14 Services. The report shall include, but not be limited to, the
15 following regarding the criminal sex offender: criminal
16 history, mental status, attitude, previous sexual offender
17 treatment and response to treatment, social factors,
18 conditions of release expected to minimize risk of sexual
19 re-offending, and characteristics of the criminal sex offense.

20 (9) SCHOOL. A licensed or accredited public or
21 private school, or church school, that offers instruction in
22 grades K-12. This definition shall not include private
23 residences in which students are taught by parents or tutors.

24 (10) SENTENCING COURT. The court of conviction or
25 the court that determines sentence as a result of conviction
26 or adjudication.

(11) YOUTHFUL OFFENDER CRIMINAL SEX OFFENDER. An individual adjudicated a youthful offender for a criminal sex offense.

§15-20-22.

(a) Thirty days prior to the release of an adult criminal sex offender having been incarcerated or treated as the result of a conviction for a criminal sex offense, the following shall apply:

(1) The responsible agency shall require the adult criminal sex offender to declare in writing the actual living address at which he or she will reside upon release. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

(2) If the adult criminal sex offender declares his or her intent to reside outside of the state, the responsible agency shall, within five business days of the written declaration required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the adult criminal sex offender has declared his or her intent to move, and shall also notify the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the adult criminal sex offender, including, but not limited to, each sex offense history or pre-sentence investigation of the sex offense,

1 fingerprints, and a current photograph of the adult criminal
2 sex offender.

3 (3) If the adult criminal sex offender declares his
4 or her intent to reside within this state, the responsible
5 agency shall, within five business days of the written
6 declaration, notify the Attorney General, the Director of the
7 Department of Public Safety, the district attorney and the
8 sheriff of the county in which the adult criminal sex offender
9 intends to reside, the chief of police of any municipality in
10 which the adult criminal sex offender intends to reside, and
11 the Alabama Criminal Justice Information Center. The
12 notification shall include all information available to the
13 responsible agency which would be necessary to identify and
14 trace the adult criminal sex offender, including, but not
15 limited to, each sex offense history or pre-sentence
16 investigation of the sex offense, fingerprints, and a current
17 photograph of the criminal sex offender.

18 (4) The Alabama Criminal Justice Information Center
19 shall be responsible for notifying the Federal Bureau of
20 Investigation with sex offender information upon receiving
21 this information from the responsible agency.

22 (b) If a sentencing court does not impose a sentence
23 of incarceration upon conviction of the adult criminal sex
24 offender for a criminal sex offense, notification shall be
25 provided by the responsible agency in accordance with
26 subsection (a) within 24 hours of release.

1 (c) Prior to release, every adult criminal sex
2 offender convicted for a criminal sex offense shall submit to
3 the probation officer or sheriff a DNA sample that will be
4 sent to the Department of Forensic Sciences. An adult criminal
5 sex offender who intentionally fails to provide a DNA sample
6 shall be guilty of a Class C felony.

7 §15-20-23.

8 (a) If an adult criminal sex offender intends to
9 transfer his or her legal residence to a different location,
10 he or she shall submit a notice of intent to move to the
11 sheriff of the county and the chief of police of the
12 municipality in which he or she resides, and to the sheriff of
13 the county and chief of police of the municipality to which he
14 or she plans to move if such are different, at least 30 days
15 prior to moving to the new location. The notice of intent to
16 move shall be on a form developed by the Department of Public
17 Safety provided by the sheriff and shall include all the
18 information required by this article for community
19 notification. An intentional failure to provide a timely and
20 accurate written declaration shall constitute a Class A
21 misdemeanor.

22 (b) Notwithstanding other provisions of law
23 regarding establishment of residence, an adult criminal sex
24 offender shall be deemed to have established a new residence:

25 (1) Whenever that adult criminal sex offender is
26 domiciled for five consecutive days or more.

1 (2) Whenever that adult criminal sex offender is
2 domiciled following his or her release from a period of
3 incarceration imposed as a result of a conviction for a
4 criminal sex offense, regardless of whether that criminal sex
5 offender has been domiciled at the same location prior to the
6 time of conviction.

7 §15-20-24.

8 (a) Sixty days after an adult criminal sex
9 offender's most current release and, except during ensuing
10 periods of incarceration, thereafter on the anniversary date
11 of an adult criminal sex offender's birthday occurring more
12 than 90 days after the release, the Department of Public
13 Safety shall mail a non-forwardable verification form to the
14 address of the adult criminal sex offender. The sheriff, or
15 chief of police where applicable, where the adult criminal sex
16 offender resides shall be notified of the pending verification
17 and whether the verification form was received by the adult
18 criminal sex offender.

19 (b) Within 10 days of the receipt of the
20 verification form, the adult criminal sex offender shall
21 present in person the completed verification form to the
22 sheriff, or chief of police where applicable, who shall obtain
23 fingerprints and a photograph of the adult criminal sex
24 offender. The verification form shall be signed by the adult
25 criminal sex offender and shall state that the adult criminal
26 sex offender still resides at that address and that the adult

1 criminal sex offender is in compliance with the residence
2 restrictions established in this article.

3 (c) Within 30 days of the annual date of an adult
4 criminal sex offender's address verification, the Department
5 of Public Safety shall, in accordance with guidelines
6 promulgated by the Department of Public Safety, receive from
7 the appropriate sheriff or chief of police verification of the
8 adult criminal sex offender's address. Such guidelines shall
9 ensure that address verification is accomplished with respect
10 to these individuals and shall require the submission of
11 fingerprints and photographs of the individuals.

12 (d) An adult criminal sex offender who fails to
13 present in person a completed verification form to the
14 sheriff, or chief of police where applicable, within 10 days,
15 or knowingly fails to permit law enforcement personnel to
16 obtain fingerprints or a photograph shall be guilty of a Class
17 C felony.

18 §15-20-25.

19 (a) Within five business days after the responsible
20 agency provides notice of a release or intent to transfer
21 residence of any adult criminal sex offender, the following
22 procedures shall apply:

23 (1) In the cities of Birmingham, Mobile, Huntsville,
24 and Montgomery, the Chief of Police shall notify all persons
25 who have a legal residence within 1,000 feet of the declared
26 residence of the adult criminal sex offender and all schools

1 and child care facilities within three miles of the declared
2 residence of the adult criminal sex offender that the criminal
3 sex offender will be establishing his or her residence.

4 (2) In all other cities in Alabama with a resident
5 population of 5,000 or more, the chief of police, or if none
6 then the sheriff of the county, shall notify all persons who
7 have a legal residence within 1,500 feet of the declared
8 residence of the adult criminal sex offender and all schools
9 and child care facilities within three miles of the declared
10 residence of the adult criminal sex offender, that the adult
11 criminal sex offender will be establishing his or her
12 residence.

13 (3) In all other municipalities with a resident
14 population of less than 5,000, and in all unincorporated
15 areas, the sheriff of the county in which the adult criminal
16 sex offender intends to reside shall notify all persons who
17 have a legal residence within 2,000 feet of the declared
18 residence of the adult criminal sex offender, and all schools
19 and child care facilities within three miles of the declared
20 residence of the adult criminal sex offender, that the adult
21 criminal sex offender will be establishing his or her
22 residence.

23 (b) A community notification flyer shall be made by
24 regular mail or hand delivered to all legal residences
25 required by this section. In addition, any other method
26 reasonably expected to provide notification may be utilized,

1 including, but not limited to, posting a copy of the notice in
2 a prominent place at the office of the sheriff and at the
3 police station closest to the declared residence of the
4 released criminal sex offender, publicizing the notice in a
5 local newspaper, or posting electronically, including the
6 Internet, or other means available.

7 (c) Nothing in this article shall be construed as
8 prohibiting the Department of Public Safety, a sheriff, or a
9 chief of police from providing community notification under
10 the provisions of this act electronically or by publication or
11 periodically to persons whose legal residence is more than the
12 applicable distance from the residence of an adult criminal
13 sex offender.

14 §15-20-26.

15 (a) Unless otherwise exempted by law, no adult
16 criminal sex offender shall be allowed to establish a
17 residence or accept employment within 1,000 feet of the
18 property on which any school or child care facility is
19 located.

20 (b) Unless otherwise exempted by law, no adult
21 criminal sex offender shall be allowed to establish a
22 residence or any other living accommodation within 1,000 feet
23 of the property on which any of his or her former victims, or
24 the victims' immediate family members reside.

25 (c) No adult criminal sex offender shall be allowed
26 to establish a residence or any other living accommodation

1 where a minor resides. Notwithstanding the foregoing, an adult
2 criminal sex offender may reside with a minor if the adult
3 criminal sex offender is the parent of the minor, unless one
4 of the following conditions applies:

5 (1) The adult criminal sex offender's parental
6 rights have been or are in the process of being terminated as
7 provided by law.

8 (2) Any minor or adult child of the adult criminal
9 sex offender was a victim of a criminal sex offense committed
10 by the adult criminal sex offender.

11 (d) No adult criminal sex offender shall be
12 permitted to willfully or knowingly come within 100 feet of
13 any of his or her former victims, except as elsewhere provided
14 by law, or make any visual or audible sexually suggestive or
15 obscene gesture, sound, or communication at or to a former
16 victim.

17 (e) Changes to property within 1,000 feet of an
18 adult criminal sex offender's registered address which occur
19 after an adult criminal sex offender establishes residency or
20 accepts employment shall not form the basis for finding that a
21 criminal sex offender is in violation of the residence or
22 employment restrictions of this article.

23 (f) An adult criminal sex offender who knowingly
24 violates the provisions of this section shall be guilty of a
25 Class C felony.

26 §15-20-27.

1 Upon adjudication of delinquency for a criminal sex
2 offense, a juvenile criminal sex offender shall be required to
3 receive sex offender treatment by a licensed sex offender
4 treatment program and submit to the probation officer or
5 sheriff a DNA sample that shall be sent to the Department of
6 Forensics Sciences.

7 §15-20-28.

8 (a) Sixty days prior to the projected release of a
9 juvenile criminal sex offender, the treatment provider shall
10 provide a risk assessment of the juvenile to the sentencing
11 court and the juvenile probation officer.

12 (b) Upon receiving the risk assessment, the juvenile
13 probation officer shall immediately notify the state, and
14 either the parent, guardian or custodian of juvenile criminal
15 sex offender, or attorney for the juvenile criminal sex
16 offender, of the pending release and provide them with the
17 risk assessment.

18 (c) Unless otherwise ordered by the sentencing
19 court, the juvenile criminal sex offender shall not be subject
20 to notification upon release.

21 (d) Within thirty days of receiving the risk
22 assessment, the state may petition the court to apply
23 notification.

24 (e) No juvenile criminal sex offender shall be
25 removed from the supervision of the court until such time as
26 the juvenile criminal sex offender has completed treatment,

1 the treatment provider has filed a risk assessment with the
2 court, and the state has had an opportunity to file a petition
3 to apply notification.

4 (f) Upon receiving a petition to apply notification,
5 the sentencing court shall conduct a hearing on the risk of
6 the juvenile criminal sex offender to the community. The
7 sentencing court may deny the petition or grant the petition
8 based upon, but not limited to, the following factors relevant
9 to the risk of re-offense:

10 (1) Conditions of release that minimize risk of
11 re-offense, including but not limited to whether the offender
12 is under supervision of probation or parole; receiving
13 counseling, therapy or treatment; or residing in a home
14 situation that provides guidance and supervision.

15 (2) Physical conditions that minimize risk of
16 re-offense, including but not limited to advanced age or
17 debilitating illness.

18 (3) Criminal history factors indicative of high risk
19 of re-offense, including whether the offender's conduct was
20 found to be characterized by repetitive and compulsive
21 behavior.

22 (4) Other criminal history factors to be considered
23 in determining risk, including:

24 a. The relationship between the offender and the
25 victim.

1 b. Whether the offense involved the use of a weapon,
2 violence, or infliction of serious bodily injury.

3 c. The number, date and nature of prior offenses.

4 (5) Whether psychological or psychiatric profiles
5 indicate a risk of recidivism.

6 (6) The offender's response to treatment.

7 (7) Recent behavior, including behavior while
8 confined or while under supervision in the community as well
9 as behavior in the community following service of sentence.

10 (8) Recent threats against persons or expressions of
11 intent to commit additional crimes.

12 (g) If the court determines there is a need for
13 notification, the level of notification to be applied shall be
14 as follows:

15 (1) If the risk of re-offense is low, notification
16 that the juvenile criminal sex offender will be establishing
17 his or her residence shall be provided to the principal of the
18 school where the juvenile criminal sex offender will attend
19 after release. This notification shall include the offender's
20 name, actual living address, date of birth, and a statement of
21 the criminal sex offense for which he or she has been
22 adjudicated delinquent, including the age and gender of the
23 victim. This information shall be considered confidential by
24 the school and be shared only with the teachers and staff with
25 supervision over the juvenile criminal sex offender. Whomever,
26 except as specifically provided herein, directly or indirectly

1 discloses or makes use of or knowingly permits the use of
2 information concerning a child described on these subsections,
3 upon conviction thereof, shall be guilty of a Class A
4 misdemeanor within the jurisdiction of the juvenile court.

5 (2) If the risk of re-offense is moderate,
6 notification that the criminal sex offender will be
7 establishing his or her residence shall be provided to all
8 schools and child care facilities within three miles of the
9 declared residence of the juvenile criminal sex offender. A
10 community notification flyer shall be made by regular mail or
11 hand delivered to all schools or child care facilities as
12 required by this subsection. A flyer shall also be on file
13 with the sheriff in the county of residence and made available
14 for public inspection. No other method may be used to
15 disseminate this information.

16 (3) If the risk of re-offense is high, the public
17 shall receive notification as though juvenile criminal sex
18 offender were an adult in accordance with Section 15-20-25.

19 (h) The determination of notification by the
20 sentencing court shall not be subject to appeal.

21 §15-20-29.

22 (a) Prior to release of the juvenile criminal sex
23 offender, the following shall apply:

24 (1) The responsible agency shall require the parent,
25 custodian, or guardian of the juvenile criminal sex offender
26 to declare in writing the actual living address at which the

1 juvenile criminal sex offender will reside upon release. An
2 intentional failure to provide a timely and accurate written
3 declaration shall constitute a Class A misdemeanor.

4 (2) If the parent, guardian or custodian of the
5 juvenile criminal sex offender declares an address outside of
6 the state, the responsible agency shall, within five business
7 days of the written declaration required by this article,
8 notify the Director of the Department of Public Safety, the
9 Attorney General, or the designated state law enforcement
10 agency of the state to which the parent, guardian or custodian
11 of the juvenile criminal sex offender has declared the actual
12 living address. The notification shall include all information
13 available to the responsible agency that would be necessary to
14 identify and trace the juvenile criminal sex offender,
15 including, but not limited to, the risk assessment and a
16 current photograph of the juvenile criminal sex offender.

17 (3) If the parent, guardian or custodian of the
18 juvenile criminal sex offender declares an address within this
19 state, the responsible agency shall, within five business days
20 of the written declaration, notify the Attorney General, the
21 Director of the Department of Public Safety, the district
22 attorney and the sheriff of the county in which the parent,
23 guardian or custodian of the juvenile criminal sex offender
24 has declared the actual living address, and the chief of
25 police of any municipality in which parent, guardian or
26 custodian of the juvenile criminal sex offender has declared

1 the actual living address. The notification shall include all
2 information available to the responsible agency that would be
3 necessary to identify and trace the juvenile criminal sex
4 offender, including, but not limited to, the risk assessment
5 and a current photograph of the juvenile criminal sex
6 offender.

7 (b) If the parent, custodian, or guardian of a
8 juvenile criminal sex offender intends to transfer the
9 residence of the juvenile criminal sex offender, or the
10 custody of the juvenile criminal sex offender is changed to a
11 different parent or guardian resulting in a transfer of
12 residence, the original parent or guardian in custody shall
13 declare in writing the actual living address of the intended
14 new residence for the juvenile criminal sex offender and
15 provide this information to the sheriff for the current
16 residence at least 14 days prior to moving to the new
17 location. The sheriff shall transfer the information to the
18 Department of Public Safety and the sheriff of the county to
19 which the adult criminal sex offender intends to move or the
20 chief of police. An intentional failure to provide a timely
21 and accurate written declaration shall constitute a Class A
22 misdemeanor.

23 (c) When a juvenile criminal sex offender becomes
24 the age of majority, the parent, guardian or custodian of the
25 juvenile criminal sex offender shall no longer be subject to
26 the requirements under subsections (a) and (b), and the

1 juvenile criminal sex offender shall instead be subject to
2 Section 15-20-22 or Section 15-20-23 as though he were an
3 adult criminal sex offender. Community notification, however,
4 shall be allowed, unless so ordered by the sentencing court.

5 §15-20-30.

6 (a) Sixty days after a juvenile criminal sex
7 offender's most current release and, except during ensuing
8 periods of incarceration, thereafter on the anniversary date
9 of a juvenile criminal sex offender's birthday occurring more
10 than 90 days after the release, the Department of Public
11 Safety shall mail a non-forwardable verification form to the
12 address of the juvenile criminal sex offender addressed to the
13 parent, guardian, or custodian of the juvenile criminal sex
14 offender. The sheriff, or chief of police where applicable,
15 where the juvenile criminal sex offender resides shall be
16 notified of the pending verification and whether the
17 verification form was received by the parent, guardian, or
18 custodian of the juvenile criminal sex offender.

19 (b) Within 10 days of the receipt of the
20 verification form, the parent, guardian or custodian of the
21 juvenile criminal sex offender, accompanied by the juvenile
22 criminal sex offender, shall present in person the completed
23 verification form to the sheriff, or chief of police where
24 applicable, who shall obtain fingerprints and a photograph of
25 the juvenile criminal sex offender. The verification form
26 shall be signed by the parent, guardian or custodian of the

1 juvenile criminal sex offender and shall state that the
2 juvenile criminal sex offender still resides at that address.

3 (c) Within 30 days of the annual date of the
4 juvenile criminal sex offender's address verification, the
5 Department of Public Safety shall, in accordance with
6 guidelines promulgated by the Department of Public Safety,
7 receive from the appropriate sheriff or chief of police
8 verification of the juvenile criminal sex offender's address.
9 Such guidelines shall ensure that address verification is
10 accomplished with respect to these individuals and shall
11 require the submission of fingerprints and photographs of the
12 individuals.

13 (d) A parent, guardian or custodian of a juvenile
14 criminal sex offender who fails to present in person a
15 completed verification form to the sheriff, or chief of police
16 where applicable, within 10 days, or knowingly fails to permit
17 law enforcement personnel to obtain fingerprints or a
18 photograph of the juvenile criminal sex offender shall have
19 committed a Class C felony.

20 §15-20-31.

21 For the purposes of this act, if a youthful offender
22 criminal sex offender has not been previously adjudicated for
23 a criminal sex offense, he or she shall be considered a
24 juvenile criminal sex offender. If a youthful offender
25 criminal sex offender has been previously adjudicated or

1 convicted of a criminal sex offense, he or she shall be
2 treated as an adult criminal sex offender.

3 §15-20-32.

4 In the case in which any criminal sex offender
5 escapes from a state or local correctional facility, juvenile
6 detention facility or any other facility that would permit
7 unsupervised access to the public, the responsible agency
8 shall, within 24 hours, notify the Department of Public
9 Safety, the sheriff and the chief of police having had
10 jurisdiction at the times of the criminal sex offense
11 conviction or adjudication, informing such of the name and
12 aliases of the criminal sex offender, of time remaining to be
13 served, if any, on the full term for which the criminal sex
14 offender was incarcerated, and the nature of the crime for
15 which he or she was sentenced, transmitting at the same time a
16 copy of such criminal sex offender's fingerprints and current
17 photograph and a summary of his or her criminal record.

18 §15-20-33.

19 (a) Any adult criminal sex offender shall be subject
20 to this act for a period of twenty-five years from the date of
21 release, unless he or she has been convicted on more than one
22 occasion for a criminal sex offense or convicted of a criminal
23 sex offense involving multiple victims, in which case the
24 adult criminal sex offender shall never be exempt from this
25 act.

1 (b) A juvenile criminal sex offender, whether having
2 been incarcerated or not, who resides within this state, shall
3 be subject to this act for a period of ten years from the last
4 date of release. A juvenile criminal sex offender who is
5 subsequently convicted as an adult criminal sex offender
6 within the ten year period shall be considered solely an adult
7 criminal sex offender.

8 (c) Any adult criminal sex offender convicted prior
9 to the implementation of this act shall be exempt from the
10 notification and residency provisions unless he or she
11 establishes a new residence.

12 (d) Nothing in the act shall preclude any criminal
13 sex offender from registering in accordance with Section
14 13A-11-200; however, such registration unless otherwise
15 proscribed by this article does not trigger public
16 notification.

17 §15-20-34.

18 (a) Any notice provided to the community pursuant to
19 this article shall not contain the name or any other
20 information identifying the victim.

21 (b) If the last known address of a victim is in the
22 State of Alabama, the responsible agency shall notify the
23 Attorney General's Office of Victim Assistance and they shall
24 send a notice to the victim that the criminal sex offender
25 will be released and the location at which the criminal sex
26 offender intends to reside.

1 The Board of Pardons and Paroles shall furnish the
2 Attorney General's Office of Victim Assistance with any victim
3 information for victims whose offenders are subject to this
4 Act.

5 §15-20-35.

6 (a) The responsible agency shall cooperate with the
7 Director of the Department of Public Safety in a reasonable
8 manner that enables the Department of Public Safety to prepare
9 a criminal sex offender release notification form, designed by
10 the Department of Public Safety.

11 (b) The information collected or maintained by the
12 Department of Public Safety, sheriff, or police department
13 under this article shall be used to track the locations and
14 movements of criminal sex offenders in this state and shall be
15 disclosed to any of the following:

16 (1) Federal, state, and local criminal justice
17 agencies for law enforcement purposes and community
18 notification in accordance with Section 15-20-22 or another
19 state's similar provision.

20 (2) Federal, state, and local governmental agencies
21 responsible for conducting employment-related confidential
22 background checks.

23 (c) The information in subsection (b) may be made
24 available through the Alabama Criminal Justice Information
25 Center network and the NCIC network for criminal justice
26 purposes only.

1 §15-20-36.

2 No criminal sex offender shall be allowed to change
3 his or her name unless the change is incident to a change in
4 the marital status of the criminal sex offender or is
5 necessary to effect the exercise of religion of the criminal
6 sex offender. Such a change must be reported to the sheriff of
7 the county in which the criminal sex offender resides within
8 30 days of the effective date of the change. If the criminal
9 sex offender is subject to the notification provision of this
10 act, the reporting of a name change under this section shall
11 invoke notification.

12 §15-20-37.

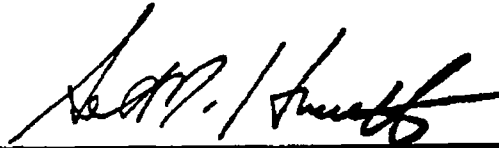
13 Nothing in this article shall be construed as
14 creating a cause of action against the state or any of its
15 agencies, officials, employees, or political subdivisions
16 based on the performance of any duty imposed by this article
17 or the failure to perform any duty imposed by this article.

18 Section 4. All laws or parts of laws that conflict
19 with this act are repealed.

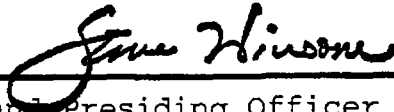
20 Section 5. The provisions of this act are
21 severable. If any part of this act or the application of such
22 part to any person or circumstance is declared invalid or
23 unconstitutional, that declaration shall affect neither the
24 part that remains nor the application of such parts to any
25 person.

1 Section 6. This act shall become effective on the
2 first day of the third month following the month of its
3 passage and approval by the Governor, or upon its otherwise
4 becoming law.

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

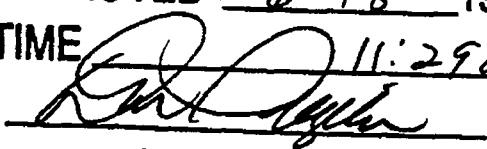
I hereby certify that the within Act originated in
and was passed by the House 06-MAY-1999, as amended.

Greg Pappas
Clerk

Senate

09-JUN-1999

Passed

APPROVED 6-18-1999
TIME 11:29am

GOVERNOR

Alabama Secretary of State

Act Num....: 1999-572
Bill Num...: H-425

Recv'd 06/18/99 02:02pmHMB