

ACT No. 2005- 301

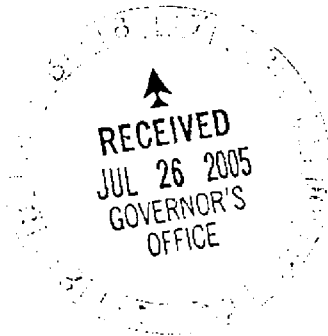
1 SB53

2 77004-10

3 By Senators Mitchem, French, Dial, Barron, Butler, Little (T),
4 Holley, Enfinger, Singleton, Lindsey, Sanders, Biddle, Lee,
5 Dixon, Byrne, Erwin, Waggoner, Myers, Marsh, Smith, Mitchell,
6 Denton, Escott, McClain, Means, Preuitt, Roberts, Smitherman,
7 Little (Z), Penn, and Tanner

8 RFD: Finance and Taxation Education

9 First Read: 19-JUL-05



SB53

ENROLLED, An Act,

To amend Sections 13A-5-2, 13A-5-6, 13A-6-69, 13A-11-200, 13A-11-201, 13A-11-202, 14-9-41, 15-18-8, 15-20-20.1, 15-20-21, 15-20-22, 15-20-23, 15-20-24, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-29, 15-20-31, and 15-20-35 of the Code of Alabama 1975, relating to adult and juvenile criminal sex offenders; to provide for further regulation of adult and juvenile criminal sex offenders and to provide for increased or additional criminal penalties; to add new Sections 15-20-23.1, 15-20-26.1 and 15-20-26.2 to the Code of Alabama 1975, regulating adult criminal sex offenders and juvenile sex offenders and to provide penalties; and to repeal Section 13A-11-203, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-5-2, 13A-5-6, 13A-6-69, 13A-11-200, 13A-11-201, 13A-11-202, 14-9-41, 15-18-8, 15-20-20.1, 15-20-21, 15-20-22, 15-20-23, 15-20-24, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-29, 15-20-31, and 15-20-35 of the Code of Alabama 1975, are amended to read as follows:

"§13A-5-2.

1 "(a) Every person convicted of a felony shall be
2 sentenced by the court to imprisonment for a term authorized
3 by Sections 13A-5-6, 13A-5-9 and 13A-5-10.

4 "(b) In addition to imprisonment, every person
5 convicted of a felony may be sentenced by the court to pay a
6 fine authorized by Section 13A-5-11.

7 "(c) Every person convicted of a misdemeanor or
8 violation shall be sentenced by the court to:

9 "(1) Imprisonment for a term authorized by Section
10 13A-5-7; or

11 "(2) Pay a fine authorized by Section 13A-5-12; or

12 "(3) Both such imprisonment and fine.

13 "(d) Every person convicted of a felony, misdemeanor
14 or violation, except for the commission of a criminal sex
15 offense involving a child as defined in Section 15-20-21(5),
16 may be placed on probation as authorized by law.

17 "(e) This article does not deprive a court of
18 authority conferred by law to forfeit property, dissolve a
19 corporation, suspend or cancel a license or permit, remove a
20 person from office, cite for contempt or impose any other
21 lawful civil penalty. Such a judgment, order or decree may be
22 included as part of the sentence.

23 "(f) Every person convicted of murder shall be
24 sentenced by the court to imprisonment for a term, or to death

1 or to life imprisonment without parole as authorized by
2 subsection (c) of Section 13A-6-2.

3 "§13A-5-6.

4 "(a) Sentences for felonies shall be for a definite
5 term of imprisonment, which imprisonment includes hard labor,
6 within the following limitations:

7 "(1) For a Class A felony, for life or not more than
8 99 years or less than 10 years.

9 "(2) For a Class B felony, not more than 20 years or
10 less than 2 years.

11 "(3) For a Class C felony, not more than 10 years or
12 less than 1 year and 1 day.

13 "(4) For a Class A felony in which a firearm or
14 deadly weapon was used or attempted to be used in the
15 commission of the felony, or a Class A felony criminal sex
16 offense involving a child as defined in Section 15-20-21(5),
17 not less than 20 years.

18 "(5) For a Class B or C felony in which a firearm or
19 deadly weapon was used or attempted to be used in the
20 commission of the felony, or a Class B felony criminal sex
21 offense involving a child as defined in Section 15-20-21(5),
22 not less than 10 years.

23 "(b) The actual time of release within the
24 limitations established by subsection (a) of this section

1 shall be determined under procedures established elsewhere by
2 law.

3 "(c) In addition to any penalties heretofore or
4 hereafter provided by law, in all cases where an offender is
5 designated as a sexually violent predator pursuant to Section
6 15-20-25.3, or where an offender is convicted of a Class A
7 felony criminal sex offense involving a child as defined in
8 Section 15-20-21(5), and is sentenced to a county jail or the
9 Alabama Department of Corrections, the sentencing judge shall
10 impose an additional penalty of not less than 10 years of
11 post-release supervision to be served upon the defendant's
12 release from incarceration.

13 "§13A-6-69.

14 "(a) It shall be unlawful for any person with
15 lascivious intent to entice, allure, persuade or invite, or
16 attempt to entice, allure, persuade or invite, any child under
17 16 years of age to enter any vehicle, room, house, office or
18 other place for the purpose of proposing to such child the
19 performance of an act of sexual intercourse or an act which
20 constitutes the offense of sodomy or for the purpose of
21 proposing the fondling or feeling of the sexual or genital
22 parts of such child or the breast of such child, or for the
23 purpose of committing an aggravated assault on such child, or
24 for the purpose of proposing that such child fondle or feel
25 the sexual or genital parts of such person.

1 "(b) A violation of this section is a Class C
2 felony.

3 "§13A-11-200.

4 "(a) The Legislature declares that its intent in
5 imposing certain reporting and registration requirements on
6 criminal sex offenders is to protect the public, especially
7 children, from the dangers posed by criminal sex offenders and
8 not to further punish such offenders.

9 "(b) If any person, except a delinquent child, as
10 defined in Section 12-15-1, residing in Alabama, has
11 heretofore been convicted, or shall be convicted in any state
12 or municipal court in Alabama, or federal court, or so
13 convicted in another state in any court having jurisdiction
14 similar to the jurisdiction of state and municipal courts in
15 Alabama for any of the offenses hereinafter enumerated, such
16 person shall, upon his or her release from legal custody,
17 register with the sheriff of the county of his or her legal
18 residence within seven days following such release or within
19 30 days after September 7, 1967, in case such person was
20 released prior to such date. For purposes of this article, a
21 conviction includes a plea of nolo contendere, regardless of
22 whether adjudication was withheld. The offenses above referred
23 to are generally any act of sexual perversion involving a
24 member of the same or the opposite sex, or any sexual abuse of
25 any member of the same or the opposite sex or any attempt to

1 commit any of these acts, and without limiting the generality
2 of the above statement shall include specifically: rape, as
3 proscribed by Sections 13A-6-61 and 13A-6-62; sodomy, as
4 proscribed by Sections 13A-6-63 and 13A-6-64; sexual
5 misconduct, as proscribed by Section 13A-6-65; indecent
6 exposure, as proscribed by Section 13A-6-68; promoting
7 prostitution in the first or second degree, as proscribed by
8 Sections 13A-12-111 and 13A-12-112; obscenity, as proscribed
9 by Section 13A-12-131; incest, as proscribed by Section
10 13A-13-3; or the attempt to commit any of the above offenses.

11 "(c) Any person having been so convicted shall upon
12 moving his legal residence from one county to another register
13 with the sheriff of the county to which he has moved within
14 seven days after such removal. It shall be unlawful for a
15 convicted sex offender as described in this article to fail or
16 refuse to register as required in this section and failure to
17 do so is a Class C felony.

18 "\$13A-11-201.

19 "The sheriff of each county in Alabama shall
20 maintain a register or roster of the names of all persons
21 registered by him under this article, which register shall
22 only be open to inspection by duly constituted law enforcement
23 officers. The information contained in the register or roster,
24 however, shall be made available if disclosure is necessary
25 for the administration, implementation, or enforcement of the

1 Community Notification Act, Chapter 20 of Title 15. The
2 sheriff shall also notify the state department of public
3 safety of the name of each person registered by him and at the
4 same time supply to such department information relative to
5 the conviction of each person so registered.

6 "§13A-11-202.

7 "The State Department of Public Safety shall
8 maintain a register or roster of the names of all persons
9 registered under this article by the several sheriffs of the
10 state. Such register or roster shall be open only to
11 inspection by duly constituted law enforcement officers or
12 agencies. The information contained in the register or roster,
13 however, shall be made available if disclosure is necessary
14 for the administration, implementation, or enforcement of the
15 Community Notification Act, Chapter 20 of Title 15.

16 "§14-9-41.

17 "(a) Each prisoner who shall hereafter be convicted
18 of any offense against the laws of the State of Alabama and is
19 confined, in execution of the judgment or sentence upon any
20 conviction, in the penitentiary or at hard labor for the
21 county or in any municipal jail for a definite or
22 indeterminate term, other than for life, whose record of
23 conduct shows that he has faithfully observed the rules for a
24 period of time to be specified by this article may be entitled
25 to earn a deduction from the term of his sentence as follows:

1 "(1) Seventy-five days for each 30 days actually
2 served while the prisoner is classified as a Class I prisoner.

3 "(2) Forty days for each 30 days actually served
4 while the prisoner is a Class II prisoner.

5 "(3) Twenty days for each 30 days actually served
6 while the prisoner is a Class III prisoner.

7 "(4) No good time shall accrue during the period the
8 prisoner is classified as a Class IV prisoner.

9 "(b) Within 90 days after May 19, 1980, the
10 Commissioner of the Department of Corrections shall establish
11 and publish in appropriate directives certain criteria not in
12 conflict with this article for Class I, II, III, and IV
13 prisoner classifications. Such classifications shall encompass
14 consideration of the prisoner's behavior, discipline, and work
15 practices and job responsibilities.

16 "(c)(1) Class I is set aside for those prisoners who
17 are considered to be trustworthy in every respect and who, by
18 virtue of their work habits, conduct and attitude of
19 cooperation have proven their trustworthiness. An example of a
20 Class I inmate would be one who could work without constant
21 supervision by a security officer.

22 "(2) Class II is that category of prisoners whose
23 jobs will be under the supervision of a correctional employee
24 at all times. Any inmate shall remain in this classification

1 for a minimum period of six months before being eligible for
2 Class I.

3 "(3) Class III is for prisoners with special
4 assignments. They may not receive any of the privileges of
5 Class I and Class II inmates. Any inmate shall remain in this
6 classification for a minimum period of three months before
7 being eligible for Class II.

8 "(4) Class IV is for prisoners not yet classified
9 and for those who are able to work and refuse, or who commit
10 disciplinary infractions of such a nature which do not warrant
11 a higher classification, or inmates who do not abide by the
12 rules of the institution. Inmates who are classified in this
13 earning class receive no correctional incentive time. This
14 class is generally referred to as "flat time" or
15 "day-for-day". Any inmate shall remain in this classification
16 for a minimum period of 30 days before being eligible for
17 Class III.

18 "(5) No inmate may reach any class without first
19 having gone through and meeting the requirements of all lower
20 classifications.

21 "(d) As a prisoner gains a higher classification
22 status he shall not be granted retroactive incentive credit
23 based on the higher classification he has reached, but shall
24 be granted incentive credit based solely on the classification
25 in which he was serving at the time the incentive credit was

1 earned. Nothing in this article shall be interpreted as
2 authorizing an inmate incentive credits based on the highest
3 classification he attains for any period of time in which he
4 was serving in a lower classification or from the date of his
5 sentence.

6 "(e) Provided, however, no person may receive the
7 benefits of correctional incentive time if he or she has been
8 convicted of a Class A felony or has been sentenced to life,
9 or death, or who has received a sentence for more than 15
10 years in the state penitentiary or in the county jail at hard
11 labor or in any municipal jail. No person may receive the
12 benefits of correctional incentive time if he or she has been
13 convicted of a criminal sex offense involving a child as
14 defined in Section 15-20-21(5). No person may be placed in
15 Class I if he or she has been convicted of an assault where
16 the victims of such assault suffered the permanent loss or use
17 or permanent partial loss or use of any bodily organ or
18 appendage. No person may be placed in Class I if he or she has
19 been convicted of a crime involving the perpetration of sexual
20 abuse upon the person of a child under the age of 17 years.

21 "The court sentencing a person shall note upon the
22 transcript to accompany such prisoner the fact that he or she
23 has been sentenced as a result of a crime that forbids his or
24 her being classified as a Class I prisoner.

"(f)(1) If during the term of imprisonment a prisoner commits an offense or violates a rule of the Department of Corrections, all or any part of his correctional incentive time accrued pursuant to this section shall be forfeited.

"(2) The Commissioner of the Department of Corrections shall have the power to restore to any prisoner who has heretofore, or who may hereafter, forfeit the deductions allowed him or her for good behavior, work habits and cooperation, or good conduct, by violating any existing law or prison rule or regulation such portion of his deduction for good conduct or good behavior as may be proper in his judgment, upon recommendation and evidence submitted to him by the warden in charge.

"(g)(1) When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for correctional incentive time and release date; however, the actual deduction from sentence for correctional incentive time provided by this section shall apply only to sentences to be served.

"(2) When a prisoner is serving two or more sentences which run concurrently, the sentence which results in the longer period of incarceration yet remaining shall be considered the term to which such prisoner is sentenced for

1 the purpose of computing his release date and correctional
2 incentive time under the provisions of this article. When
3 computing the deductions allowed in this section on
4 indeterminate sentences the maximum sentence shall be the
5 basis for the computation. The provisions of this section
6 shall be administered by the chief administrative officer of
7 the penal institution as it applies to prisoners in any state
8 penal institution, by the sheriff of the county as it applies
9 to prisoners in any county jail and by the chief of police as
10 it applies to prisoners in any municipal jail.

11 "(h) Deductions for good behavior, work habits and
12 cooperation, or good conduct shall be interpreted to give
13 authorized good time retroactively, to those offenders
14 convicted of crimes committed after May 19, 1980, except those
15 convicted of crimes of the unlawful sale or distribution of
16 controlled substances as enumerated in Title 13A and in former
17 Chapter 2 of Title 20, and for any sexual offenses as
18 enumerated in Chapter 6, Title 13A, provided however that the
19 Commissioner of the Department of Corrections shall have the
20 prison records of all inmates, who become eligible under this
21 article, reviewed and shall disqualify any such inmate from
22 being awarded good time under this article at his discretion.

23 "§15-18-8.

24 "(a) When a defendant is convicted of an offense,
25 other than a criminal sex offense involving a child as defined

1 in Section 15-20-21(5), which constitutes a Class A or B
2 felony and receives a sentence of 20 years or less in any
3 court having jurisdiction to try offenses against the State of
4 Alabama and the judge presiding over the case is satisfied
5 that the ends of justice and the best interests of the public
6 as well as the defendant will be served thereby, he or she may
7 order:

8 "(1) That the convicted defendant be confined in a
9 prison, jail-type institution, or treatment institution for a
10 period not exceeding three years in cases where the imposed
11 sentence is not more than 15 years, and that the execution of
12 the remainder of the sentence be suspended notwithstanding any
13 provision of the law to the contrary and that the defendant be
14 placed on probation for such period and upon such terms as the
15 court deems best. In cases involving an imposed sentence of
16 greater than 15 years, but not more than 20 years, the
17 sentencing judge may order that the convicted defendant be
18 confined in a prison, jail-type institution, or treatment
19 institution for a period not exceeding five years, but not
20 less than three years, during which the offender shall not be
21 eligible for parole or release because of deduction from
22 sentence for good behavior under the Alabama Correctional
23 Incentive Time Act, and that the remainder of the sentence be
24 suspended notwithstanding any provision of the law to the

1 contrary and that the defendant be placed on probation for the
2 period upon the terms as the court deems best.

3 "(2) That the convicted defendant may be confined,
4 upon consultation with the Commissioner of the Alabama
5 Department of Corrections (hereinafter called department) in a
6 disciplinary, rehabilitation, conservation camp program
7 (hereinafter called program) of the department. The convicted
8 defendant shall be received into the department in accordance
9 with applicable department rules and regulations and may be
10 placed in the program after completion of this initial
11 reception. The program shall be not less than 90 days nor more
12 than 180 days in duration and shall be operated in accordance
13 with department rules and regulations and as otherwise
14 provided for by law. The commissioner of the department or his
15 or her designee shall report to the sentencing court of each
16 convicted defendant whether or not the convicted defendant
17 completes or does not complete the program with any additional
18 information that the commissioner or his or her designee shall
19 wish to provide the court. Upon receipt of this report, the
20 sentencing court may, upon its own order, suspend the
21 remainder of the sentence and place the convicted defendant on
22 probation as provided herein or order the convicted defendant
23 to be confined to a prison, jail-type institution, or
24 treatment institution for a period not to exceed three years
25 and that the execution of the remainder of the sentence be

1 suspended and the defendant be placed on probation for such
2 period and upon such terms as the court deems best. If the
3 sentencing court imposes additional confinement, as outlined
4 above, credit shall be given for the actual time spent by the
5 convicted defendant in the program. Conviction of an offense
6 or prior offense of murder, rape first degree, kidnapping
7 first degree, sodomy first degree, enticing a child to enter
8 vehicle, house, etc., for immoral purposes, arson first
9 degree, robbery first degree, and sentencing of life without
10 parole will not be eligible for this program. It shall be the
11 duty of the joint prison committee as established by Sections
12 29-2-20 to 29-2-22, inclusive, to annually review the
13 operation of the program and report their findings to the
14 Alabama Legislature.

15 "(b) Probation may not be granted for a criminal sex
16 offense involving a child as defined in Section 15-20-21(5),
17 which constitutes a Class A or B felony. Otherwise, probation
18 may be granted whether the offense is punishable by fine or
19 imprisonment or both. If an offense is punishable by both fine
20 and imprisonment, the court may impose a fine and place the
21 defendant on probation as to imprisonment. Probation may be
22 limited to one or more counts or indictments, but, in the
23 absence of express limitation, shall extend to the entire
24 sentence and judgment.

1 "(c) Regardless of whether the defendant has begun
2 serving the minimum period of confinement ordered under the
3 provisions of subsection (a), the court shall retain
4 jurisdiction and authority throughout said period to suspend
5 that portion of the minimum sentence that remains and place
6 the defendant on probation, notwithstanding any provision of
7 the law to the contrary and the court may revoke or modify any
8 condition of probation or may change the period of probation.

9 "(d) While incarcerated or on probation and among
10 the conditions thereof, the defendant may be required:

11 "(1) To pay a fine in one or several sums;

12 "(2) To make restitution or reparation to aggrieved
13 parties for actual damages or loss caused by the offense for
14 which conviction was had; and

15 "(3) To provide for the support of any persons for
16 whose support he or she is legally responsible.

17 "(e) The defendant's liability for any fine or other
18 punishment imposed as to which probation is granted shall be
19 fully discharged by the fulfillment of the terms and
20 conditions of probation.

21 "(f) During any term of probation, the defendant
22 shall report to the probation authorities at such time and
23 place as directed by the judge imposing sentence.

24 "(g) No defendant serving a minimum period of
25 confinement ordered under the provisions of subsection (a)

1 shall be entitled to parole or to deductions from his or her
2 sentence under the Alabama Correctional Incentive Time Act,
3 during the minimum period of confinement so ordered; provided,
4 however, that this subsection shall not be construed to
5 prohibit application of the Alabama Correctional Incentive
6 Time Act to any period of confinement which may be required
7 after the defendant has served such minimum period.

8 "§15-20-20.1.

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

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

1 abuse and exploitation promptly. It will allow them to alert
2 the public when necessary for the continued protection of the
3 community.

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

19 "Juvenile sex offenders, like their adult
20 counterparts, pose a danger to the public. Research has shown,
21 however, that there are significant differences between adult
22 and juvenile criminal sexual offenders. Juveniles are much
23 more likely to respond favorably to sexual offender treatment.
24 Juvenile offenders have a shorter history of committing sexual
25 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 that juvenile criminal sex offenders
8 should be subject to the Community Notification Act, but that
9 certain precautions should be taken to target the juveniles
10 that pose 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 article.

20 "The Legislature declares that its intent in
21 imposing certain reporting and monitoring requirements on
22 criminal sex offenders and requiring community notification of
23 the residence and workplace of criminal sex offenders is to
24 protect the public, especially children, from convicted
25 criminal sex offenders.

1 "\$15-20-21.

2 "For purposes of this article, the following words
3 shall have the following meanings:

4 "(1) ADULT CRIMINAL SEX OFFENDER. A person convicted
5 of a criminal sex offense, including a person who has pleaded
6 nolo contendere to a criminal sex offense, regardless of
7 whether adjudication was withheld.

8 "(2) CHILD CARE FACILITY. A licensed daycare center,
9 a licensed child care facility, or any other child care
10 service that is exempt from licensing pursuant to Section
11 38-7-3.

12 "(3) COMMUNITY NOTIFICATION FLYER. This notification
13 shall include the following information on the criminal sex
14 offender: Name; actual living address; sex; date of birth;
15 complete physical description, including distinguishing
16 features such as scars, birth marks, or any identifying
17 physical characteristics; and a current photograph. This
18 notification shall also include a statement of the criminal
19 sex offense for which he or she has been convicted, including
20 the age and gender of the victim, the geographic area where
21 the offense occurred, and the date upon which the criminal sex
22 offender will be released. This notification shall also
23 include a statement that the same information is on file at
24 the sheriff's office and police headquarters, if a police
25 department has jurisdiction over the criminal sex offender's

1 residence, and that the information will be available to the
2 general public for inspection and identification purposes
3 during regular business hours.

4 "(4) CRIMINAL SEX OFFENSE. Any of the following
5 offenses:

6 "a. Rape in the first or second degree, as
7 proscribed by Section 13A-6-61 or 13A-6-62; provided that a
8 sentencing court may exempt from this article a juvenile or
9 youthful offender criminal sex offender for a criminal sex
10 offense as defined in Section 13A-6-62(a)(1).

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

13 "c. Sexual torture, as proscribed by Section
14 13A-6-65.1.

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

17 "e. Enticing a child to enter a vehicle, room,
18 house, office, or other place for immoral purposes, as
19 proscribed by Section 13A-6-69.

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

22 "g. Violation of the Alabama Child Pornography Act,
23 as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,
24 or 13A-12-197.

1 "h. Kidnapping of a minor, except by a parent, in
2 the first or second degree, as proscribed by Section 13A-6-43
3 or 13A-6-44.

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

6 "j. Soliciting a child by computer for the purposes
7 of committing a sexual act and transmitting obscene material
8 to a child by computer, as proscribed by Sections 13A-6-110
9 and 13A-6-111.

10 "k. Any solicitation, attempt, or conspiracy to
11 commit any of the offenses listed in paragraphs a. to j.,
12 inclusive.

13 "l. Any crime committed in any state or a federal,
14 military, Indian, or a foreign country jurisdiction which, if
15 it had been committed in this state under the current
16 provisions of law, would constitute an offense listed in
17 paragraphs a. to k., inclusive.

18 "(m) The foregoing notwithstanding, any crime
19 committed in any jurisdiction which, irrespective of the
20 specific description or statutory elements thereof, is in any
21 way characterized or known as rape, sodomy, sexual assault,
22 sexual battery, sexual abuse, sexual torture, solicitation of
23 a child, enticing or luring a child, child pornography, lewd
24 and lascivious conduct, taking indecent liberties with a
25 child, or molestation of a child.

1 "(5) CRIMINAL SEX OFFENSE INVOLVING A CHILD. A
2 conviction for any criminal sex offense in which the victim
3 was a child under the age of 12 and any offense involving
4 child pornography.

5 "(6) EMPLOYMENT. Includes employment that is
6 full-time or part-time for any period, whether financially
7 compensated, volunteered, or for the purpose of government or
8 educational benefit.

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

11 "(8) MENTAL ABNORMALITY. A congenital or acquired
12 condition of a person that affects the emotional or volitional
13 capacity of the person in a manner that predisposes that
14 person to the commission of criminal sex offense to a degree
15 that makes the person a menace to the health and safety of
16 other persons.

17 "(9) PREDATORY. An act directed at a stranger, or a
18 person with whom a relationship has been established, or
19 promoted for the purpose of victimization.

20 "(10) RELEASE. Release from a state prison, county
21 jail, or municipal jail, or release or discharge from the
22 custody of the Department of Youth Services or other juvenile
23 detention, or placement on an appeal bond, probation or parole
24 or aftercare, or placement into any facility or treatment

1 program that allows the offender to have unsupervised access
2 to the public.

3 "(11) RESPONSIBLE AGENCY. The person or government
4 entity whose duty it is to obtain information from a criminal
5 sex offender before release and to transmit that information
6 to police departments or sheriffs responsible for providing
7 community notification. For a criminal sex offender being
8 released from state prison, the responsible agency is the
9 Department of Corrections. For a criminal sex offender being
10 released from a county jail, the responsible agency is the
11 sheriff of that county. For a criminal sex offender being
12 released from a municipal jail, the responsible agency is the
13 police department of that municipality. For a criminal sex
14 offender being placed on probation, including conditional
15 discharge or unconditional discharge, without any sentence of
16 incarceration, the responsible agency is the sentencing court.
17 For a criminal sex offender being released from the Department
18 of Youth Services, the responsible agency is the Department of
19 Youth Services. For a criminal sex offender who is being
20 released from a jurisdiction outside this state and who is to
21 reside in this state, the responsible agency is the Department
22 of Public Safety.

23 "(12) RISK ASSESSMENT. A written report on the
24 assessment of risk for sexually re-offending conducted by a
25 sexual treatment program approved by the Department of Youth

Services. The report shall include, but not be limited to, the following regarding the criminal sex offender: Criminal history, mental status, attitude, previous sexual offender treatment and response to treatment, social factors, conditions of release expected to minimize risk of sexual re-offending, and characteristics of the criminal sex offense.

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

"(14) SENTENCING COURT. The court of conviction or the court that determines sentence as a result of conviction or adjudication.

"(15) SEXUALLY VIOLENT PREDATOR. A person who has been convicted of a criminal sex offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.

"(16) STUDENT. A person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any schools as defined in subdivision (13).

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

"§15-20-22.

1 "(a) Forty-five days prior to the release of an
2 adult criminal sex offender, the following shall apply:

3 "(1) The responsible agency shall require the adult
4 criminal sex offender to declare, in writing or by electronic
5 means approved by the Director of the Department of Public
6 Safety, the actual address at which he or she will reside or
7 live upon release and the name and physical address of his or
8 her employer, if any. Any failure to provide timely and
9 accurate declarations shall constitute a Class C felony. Any
10 adult criminal sex offender in violation of this section shall
11 be ineligible for release on probation or parole. Any adult
12 criminal sex offender in violation of this section who is to
13 be released due to the expiration of his or her sentence shall
14 be charged with violating this section and, upon release,
15 shall immediately be remanded to the custody of the sheriff of
16 the county in which the violation occurred. Any adult criminal
17 sex offender charged with violating this section may only be
18 released on bond on the condition that the offender is in
19 compliance with this section before being released.

20 "(2) If the adult criminal sex offender declares his
21 or her intent to reside or be employed outside of the state,
22 the responsible agency shall, within five business days of the
23 declarations required by this article, notify the Director of
24 the Department of Public Safety, the Attorney General, or the
25 designated state law enforcement agency of the state to which

1 the adult criminal sex offender has declared his or her intent
2 to move or in which he or she intends to be employed, and
3 shall also notify the Alabama Criminal Justice Information
4 Center. The notification shall include all information
5 available to the responsible agency which would be necessary
6 to identify and trace the adult criminal sex offender,
7 including, but not limited to, the offender's declared places
8 of residence and employment, each sex offense history or
9 pre-sentence investigation of the sex offense, fingerprints,
10 and a current photograph of the adult criminal sex offender.

11 "(3) If the adult criminal sex offender declares his
12 or her intent to reside, live, or be employed within this
13 state, the responsible agency shall, within five business days
14 of the written declaration, notify the Attorney General, the
15 Director of the Department of Public Safety, the district
16 attorney and the sheriff of any county in which the adult
17 criminal sex offender intends to reside or be employed, the
18 chief of police of any municipality in which the adult
19 criminal sex offender intends to reside or be employed, and
20 the Alabama Criminal Justice Information Center. The
21 notification shall include all information available to the
22 responsible agency which would be necessary to identify and
23 trace the adult criminal sex offender, including, but not
24 limited to, the offender's declared places of residence and
25 employment, each sex offense history or pre-sentence

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

3 "(4) The Alabama Criminal Justice Information Center
4 shall be responsible for notifying the Federal Bureau of
5 Investigation with sex offender information upon receiving
6 this information from the responsible agency. Measures shall
7 be taken to ensure this information is submitted to and
8 included in the national database of sex offenders established
9 pursuant to 42 U.S.C. § 14072.

10 "(b) If a sentencing court does not impose a
11 sentence of incarceration upon conviction of the adult
12 criminal sex offender for a criminal sex offense, notification
13 shall be provided by the responsible agency in accordance with
14 subsection (a) within 24 hours of release.

15 "(c) Prior to release, every adult criminal sex
16 offender convicted for a criminal sex offense shall submit to
17 the probation officer or sheriff a DNA sample that will be
18 sent to the Department of Forensic Sciences. An adult criminal
19 sex offender who intentionally fails to provide a DNA sample
20 shall be guilty of a Class C felony.

21 "(d) If an adult criminal sex offender is unable to
22 declare a place of employment prior to release because he or
23 she is unemployed, the offender shall declare in writing or by
24 electronic means approved by the Director of the Department of
25 Public Safety the name and physical address of his or her

1 employer to the sheriff of the county and chief of police of
2 the municipality in which the offender is employed by the end
3 of the next business day after he or she obtains employment.
4 Any failure to provide a timely and accurate written
5 declaration as required by this section is a Class C felony.

6 "§15-20-23.

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

20 "(b) Notwithstanding other provisions of law
21 regarding establishment of residence, an adult criminal sex
22 offender shall be deemed to have established a new residence
23 in any of the following circumstances:

24 "(1) Whenever that adult criminal sex offender is
25 domiciled for three consecutive days or more.

1 "(2) Whenever that adult criminal sex offender is
2 domiciled following his or her release, regardless of whether
3 that criminal sex offender has been domiciled at the same
4 location prior to the time of conviction.

5 "(3) Whenever an adult criminal sex offender spends
6 10 or more aggregate days at a location during a calendar
7 month.

8 "\$15-20-24.

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

23 "(b) Within 10 days of the receipt of the
24 verification form, the adult criminal sex offender shall
25 present in person the completed verification form to the

1 sheriff, or chief of police where applicable, who shall obtain
2 fingerprints and a photograph of the adult criminal sex
3 offender. The verification form shall be signed by the adult
4 criminal sex offender and shall state that the adult criminal
5 sex offender still resides at that address and that the adult
6 criminal sex offender is in compliance with the residence
7 restrictions established in this article. In the event the
8 adult criminal sex offender does not receive a verification
9 form from the Department of Public Safety, the offender must
10 nonetheless report in person to the sheriff, or chief of
11 police where applicable, to verify his or her place of
12 residence within 90 days of his or her most recent release and
13 thereafter each year within 30 days of the offender's birthday
14 and the date six months after the offender's birthday.

15 "(c) Within 30 days of an adult criminal sex
16 offender's address verification, the Department of Public
17 Safety shall, in accordance with guidelines promulgated by the
18 Department of Public Safety, receive from the appropriate
19 sheriff or chief of police verification of the adult criminal
20 sex offender's address. Such guidelines shall ensure that
21 address verification is accomplished with respect to these
22 individuals and shall require the submission of fingerprints
23 and photographs of the individuals.

24 "(d) An adult criminal sex offender who fails to
25 verify his or her place of residence in accordance with this

1 section, provides a false statement to law enforcement in the
2 verification process, or knowingly fails to permit law
3 enforcement personnel to obtain fingerprints or a photograph
4 shall be guilty of a Class C felony.

5 "§15-20-25.1.

6 "(a) Any adult criminal sex offender not a resident
7 of this state shall register with law enforcement whenever the
8 offender comes into this state to accept employment, to carry
9 on a vocation, or to become a student. The offender shall also
10 register any subsequent changes in his or her place of
11 lodging, employment, or school being attended.

12 "(b) Any adult criminal sex offender required to
13 register under this section shall, within five days after
14 entering this state or changing his or her place of lodging,
15 employment, or school being attended, provide a written
16 declaration to the sheriff of the county and chief of police
17 of the municipality in which the offender intends to work or
18 become a student. This written declaration shall contain all
19 of the following:

20 "(1) Information concerning the registrant's place
21 of employment or the school being attended.

22 "(2) The registrant's address in his or her state of
23 residence.

"(3) The address of any place of lodging the registrant may have in this state for purposes of employment or attendance as a student.

"(4) Other information as would be necessary to complete a community notification flyer as defined in subdivision (3) of Section 15-20-21.

"(c) Whenever an adult criminal sex offender registers pursuant to this section, he or she shall be subject to the community notification procedures set forth in Section 15-20-25. The adult criminal sex offender shall be treated as though he or she had transferred his or her place of residence to the place of lodging declared under subdivision (3) of subsection (b). If no place of lodging is declared or exists, the adult criminal sex offender shall be treated as though he or she had transferred his or her place of residence to the place of employment or the school being attended declared under subdivision (1) of subsection (b).

"(d) An intentional failure to provide a timely and accurate written declaration as required by this section shall constitute a Class C felony.

"§15-20-25.2.

"(a) In addition to any other requirements of this article, an adult criminal sex offender shall provide written notice to the sheriff of the county and chief of police of the municipality in which the offender resides, of the following:

1 "(1) Each institution of higher education at which
2 the offender is employed, carries on a vocation, or is a
3 student.

4 "(2) Each change in enrollment or employment status
5 of the offender at a an institution of higher education.

6 "(b) An adult criminal sex offender shall provide
7 written notice as required under subdivision (1) of subsection
8 (a) within five days of becoming employed, carrying on a
9 vocation, or becoming a student at an institution of higher
10 education.

11 "(c) A change in status noticed under subdivision
12 (2) of subsection (a) shall be reported by the adult criminal
13 sex offender within five days after the change becomes
14 effective.

15 "(d) Any written notice provided to law enforcement
16 under this section shall be forwarded to the Department of
17 Public Safety and the Alabama Criminal Justice Information
18 Center, both of which shall enter the information contained in
19 the written notice in the appropriate state records or data
20 system.

21 "(e) Any written notice provided to law enforcement
22 under this section shall also be forwarded to campus police
23 and any other security personnel of the school or institution
24 of higher learning where the adult criminal sex offender is
25 employed, carries on a vocation, or is a student.

1 "(f) An intentional failure to provide timely and
2 accurate written notice as required by this section shall
3 constitute a Class C felony.

4 "§15-20-25.3.

5 "(a) Whenever an individual is convicted of a
6 criminal sex offense in this state, the state, at the time of
7 sentencing, may petition the sentencing court to enter an
8 order adjudging the offender to be a sexually violent
9 predator.

10 "(b) If the state so petitions, it shall present
11 clear and convincing evidence that the offender suffers from a
12 mental abnormality or personality disorder that makes the
13 person likely to engage in predatory criminal sex offenses.

14 "(c) Any offender determined in any other state to
15 be a sexually violent predator shall be considered a sexually
16 violent predator in this state.

17 "(d) Sexually violent predators shall be required,
18 upon release, to provide to the responsible agency, in
19 addition to the information required to complete a community
20 notification flyer as provided in subdivision (3) of Section
21 15-20-21:

22 "(1) A full history of criminal offenses committed
23 by the offender.

24 "(2) Documentation of any treatment received for the
25 mental abnormality or personality disorder of the offender.

1 "(e) A sexually violent predator shall be required
2 to verify his or her place of residence on a quarterly basis,
3 rather than an annual basis as is generally provided in
4 Section 15-20-24.

5 "(f) A sexually violent predator, as a condition of
6 the offender's release from incarceration, shall be subject to
7 electronic monitoring and be required to pay the costs of such
8 monitoring, as set forth in Section 15-20-26.1, for a period
9 of no less than 10 years from the date of the sexually violent
10 predator's release. This requirement shall be imposed by the
11 sentencing court as a part of the sexually violent predator's
12 sentence, as provided in Sections 13A-5-6(c) and 15-20-26.1.

13 "(g) An intentional failure to comply with any
14 provision of this section shall constitute a Class C felony.

15 "\$15-20-26.

16 "(a) Unless otherwise exempted by law, no adult
17 criminal sex offender shall establish a residence or any other
18 living accommodation or accept employment within 2,000 feet of
19 the property on which any school or child care facility is
20 located.

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

1 "(c) No adult criminal sex offender shall establish
2 a residence or any other living accommodation where a minor
3 resides. Notwithstanding the foregoing, an adult criminal sex
4 offender may reside with a minor if the adult criminal sex
5 offender is the parent, grandparent, or stepparent of the
6 minor, unless one of the following conditions applies:

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

10 "(2) The adult criminal sex offender has been
11 convicted of any criminal sex offense in which any of the
12 offender's minor children, grandchildren, or stepchildren were
13 the victim.

14 "(3) The adult criminal sex offender has been
15 convicted of any criminal sex offense in which a minor was the
16 victim and the minor resided or lived with the offender at the
17 time of the offense.

18 "(4) The adult criminal sex offender has ever been
19 convicted of any criminal sex offense involving a child,
20 regardless of whether the offender was related to or shared a
21 residence with the child victim.

22 "(d) No adult criminal sex offender shall be
23 permitted to willfully or knowingly come within 100 feet of
24 any of his or her former victims, except as elsewhere provided
25 by law, or make any visual or audible sexually suggestive or

1 obscene gesture, sound, or communication at or to a former
2 victim or a member of the victim's immediate family.

3 "(e) Changes to property within 2,000 feet of an
4 adult criminal sex offender's registered address which occur
5 after an adult criminal sex offender establishes residency or
6 accepts employment shall not form the basis for finding that a
7 criminal sex offender is in violation of subsections (a) or
8 (b).

9 "(f) No adult criminal sex offender, after having
10 been convicted of a criminal sex offense involving a child,
11 shall loiter on or within 500 feet of any property on which
12 there is a school, child care facility, playground, park,
13 athletic field or facility, or any other business or facility
14 having a principal purpose of caring for, educating, or
15 entertaining minors. Under this subsection, "loiter" means to
16 enter or remain on property while having no legitimate purpose
17 therefor or, if a legitimate purpose exists, remaining on that
18 property beyond the time necessary to fulfill that purpose. An
19 offender does not violate this subsection unless he or she has
20 first been asked to leave a prohibited location by a person
21 authorized to exclude the offender from the premises. An
22 authorized person includes, but not be limited to, any law
23 enforcement officer, any owner or manager of the premises, a
24 principal or teacher if the premises is a school or child care

1 facility, or a coach if the premises is an athletic field or
2 facility.

3 "(g) No adult criminal sex offender, after having
4 been convicted of a criminal sex offense involving a child,
5 shall accept, maintain, or carry on any employment or vocation
6 at or within 500 feet of a school, child care facility,
7 playground, park, athletic field or facility, or any other
8 business or facility having a principal purpose of caring for,
9 educating, or entertaining minors.

10 "(h) An adult criminal sex offender who knowingly
11 violates the provisions of this section shall be guilty of a
12 Class C felony.

13 "§15-20-29.

14 "(a) Prior to release of the juvenile criminal sex
15 offender, the following shall apply:

16 "(1) The responsible agency shall require the
17 parent, custodian, or guardian of the juvenile criminal sex
18 offender to declare in writing the actual living address at
19 which the juvenile criminal sex offender will reside upon
20 release. An intentional failure to provide a timely and
21 accurate written declaration shall constitute a Class A
22 misdemeanor.

23 "(2) If the parent, guardian, or custodian of the
24 juvenile criminal sex offender declares an address outside of
25 the state, the responsible agency shall, within five business

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

12 "(3) If the parent, guardian, or custodian of the
13 juvenile criminal sex offender declares an address within this
14 state, the responsible agency shall, within five business days
15 of the written declaration, notify the Attorney General, the
16 Director of the Department of Public Safety, the district
17 attorney and the sheriff of the county in which the parent,
18 guardian, or custodian of the juvenile criminal sex offender
19 has declared the actual living address, and the chief of
20 police of any municipality in which the parent, guardian, or
21 custodian of the juvenile criminal sex offender has declared
22 the actual living address. The notification shall include all
23 information available to the responsible agency that would be
24 necessary to identify and trace the juvenile criminal sex
25 offender, including, but not limited to, the risk assessment

1 and a current photograph of the juvenile criminal sex
2 offender.

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

19 (c) When a juvenile criminal sex offender becomes
20 the age of majority, the parent, guardian, or custodian of the
21 juvenile criminal sex offender shall no longer be subject to
22 the requirements under subsections (a) and (b), and the
23 juvenile criminal sex offender shall instead be subject to
24 Section 15-20-22 or Section 15-20-23 as though he or she were
25 an adult criminal sex offender. Community notification,

1 however, shall not be allowed, unless so ordered by the
2 sentencing court.

3 "§15-20-31.

4 "For the purposes of this article, if a youthful
5 offender criminal sex offender has not been previously
6 adjudicated for a criminal sex offense, he or she shall be
7 considered a juvenile criminal sex offender. If a youthful
8 offender criminal sex offender has been previously adjudicated
9 or convicted of a criminal sex offense, he or she shall be
10 treated as an adult criminal sex offender. A youthful offender
11 criminal sex offender who is treated as a juvenile criminal
12 sex offender for purposes of this article may not be released
13 from the jurisdiction of the sentencing court until the
14 offender has undergone sex offender treatment and a risk
15 assessment as required by Sections 15-20-27 and 15-20-28.

16 "§15-20-35.

17 "(a) The responsible agency shall cooperate with the
18 Director of the Department of Public Safety in a reasonable
19 manner that enables the Department of Public Safety to prepare
20 a criminal sex offender release notification form, designed by
21 the Department of Public Safety.

22 "(b) The information collected or maintained by the
23 Department of Public Safety, sheriff, or police department
24 under this article shall be used to track the locations and

1 movements of criminal sex offenders in this state and shall be
2 disclosed to any of the following:

3 "(1) Federal, state, and local criminal justice
4 agencies for law enforcement purposes and community
5 notification in accordance with Section 15-20-22 or another
6 state's similar provision.

7 "(2) Federal, state, and local governmental agencies
8 responsible for conducting employment-related confidential
9 background checks.

10 "(c) The information in this section may be made
11 available through the Alabama Criminal Justice Information
12 Center information systems and the National Crime Information
13 Center network for criminal justice purposes or any other
14 purpose authorized by law.

15 "(d) No existing state laws, including, but not
16 limited to, statutes that would otherwise make juvenile and
17 youthful offender records confidential, shall preclude the
18 disclosure of any information requested by a responsible
19 agency, a law enforcement officer, a criminal justice agency,
20 the Attorney General's Office, or a district attorney for
21 purposes of administering, implementing, or enforcing this
22 article."

23 Section 2. Sections 15-20-23.1, 15-20-26.1, and
24 15-20-26.2 are added to the Code of Alabama 1975, to read as
25 follows:

§15-20-23.1

If an adult criminal sex offender intends to change his or her place of employment, he or she shall submit a notice of intent to do so to the sheriff of the county and the chief of police of the municipality in which he or she is then employed and to the sheriff of the county and chief of police of the municipality in which he or she intends to be employed, if such are different, at least seven days prior to beginning employment at the new location. An intentional failure to provide a timely and accurate written declaration shall constitute a Class C felony.

§15-20-26.1

(a) The Alabama Criminal Justice Information Center shall implement a system of active and passive electronic monitoring that identifies the location of a monitored person and that can produce upon request reports or records of the person's presence near or within a crime scene or prohibited area, the person's departure from specified geographic limitations, or curfew violations by the offender. The Director of the Alabama Criminal Justice Information Center may promulgate any rules as are necessary to implement and administer this system of active electronic monitoring including establishing policies and procedures to notify the person's probation and parole officer or other court appointed

1 supervising authority when a violation of his or her
2 electronic monitoring restrictions has occurred.

3 (b) The Board of Pardons and Paroles or a court may
4 require, as a condition of release on parole, probation,
5 community corrections, Court Referral Officer supervision,
6 pre-trial release, or any other community based punishment
7 option, that any person charged or convicted of a criminal sex
8 offense be subject to electronic monitoring as provided in
9 subsection (a).

10 (c) Any person designated a sexually violent
11 predator pursuant to Section 15-20-25.3 shall, upon release
12 from incarceration, be subject to electronic monitoring
13 supervised by the Board of Pardons and paroles, as provided in
14 subsection (a), for a period of no less than 10 years from the
15 date of the sexually violent predator's release. This
16 requirement shall be imposed by the sentencing court as a part
17 of the sexually violent predator's sentence in accord with
18 Section 13A-5-6(c).

19 (d) Any person convicted of a Class A felony
20 criminal sex offense involving a child as defined in Section
21 15-20-21(5), upon release from incarceration, shall be subject
22 to electronic monitoring supervised by the Board of Pardons
23 and Paroles, as provided in subsection (a), for a period of no
24 less than 10 years from the date of the offender's release.
25 This requirement shall be imposed by the sentencing court as a

part of the offender's sentence in accord with Section 13A-5-6(c).

(e) Any one subject to electronic monitoring pursuant to this section, unless he or she is indigent, shall be required to reimburse the supervising entity a reasonable fee to defray supervision costs. The Board of Pardons and Paroles, the sentencing court, or other supervising entity shall determine the amount to be paid based on the person's financial means and ability to pay, but such amount shall not exceed fifteen dollars (\$15) per day.

(f) The supervising entity shall pay ACJIC a fee, to be determined by ACJIC but not exceeding ten dollars (\$10) per day, to defray monitoring equipment and telecommunications costs.

(g) It shall constitute a Class C felony for any person to willfully or knowingly alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring under this section.

§15-20-26.2

(a) Every adult criminal sex offender who is a resident of this state shall obtain and always have in his or her possession either a valid driver's license or identification card issued by the Alabama Department of Public Safety. If any offender is ineligible to be issued a driver's license or official identification card, the Department of

Public Safety shall provide the offender some other form of identification card or documentation that, if it is kept in the offender's possession, shall satisfy the requirements of this section. If any adult criminal sex offender is determined to be indigent, an identification card or other documentation in lieu thereof shall be issued to the offender at no cost. An adult criminal sex offender who knowingly violates this provision shall be guilty of a Class C felony.

(b) Whenever the Department of Public Safety issues or renews a driver's license or identification card to an adult criminal sex offender, the driver's license or identification card shall bear a designation that enables law enforcement officers to identify the licensee as a criminal sex offender.

(c) This section shall become effective September 1, 2006.

§15-22-27.3

Any person convicted of a criminal sex offense involving a child as defined in Section 15-20-21(5) which constitutes a Class A or B felony shall not be eligible for parole.

Section 3. Section 13A-11-203 of the Code of Alabama 1975, relating by penalty for violations by Registration of Sex Offenders is repealed.

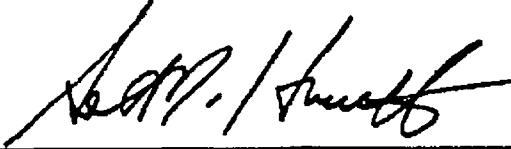
1 Section 4. The procurement of any product or
2 services necessary for compliance with this act, including any
3 system of electronic monitoring, any equipment, and the
4 building of a website, shall be subject to the competitive bid
5 process.

6 Section 5. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate



Speaker of the House of Representatives

SB53

Senate 21-JUL-05

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 26-JUL-05

Senate concurred in House amendment 26-JUL-05

By: Senator Mitchem

APPROVED 07/29/05
TIME 3:30 p.m.
Bob R. L.
GOVERNOR

ACT No. 2005- 301

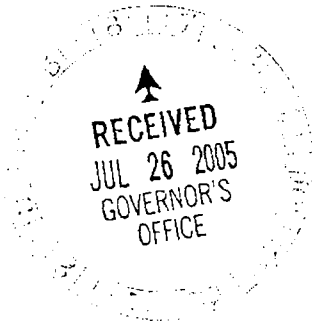
SB53

77004-10

By Senators Mitchem, French, Dial, Barron, Butler, Little (T),
Holley, Enfinger, Singleton, Lindsey, Sanders, Biddle, Lee,
Dixon, Byrne, Erwin, Waggoner, Myers, Marsh, Smith, Mitchell,
Denton, Escott, McClain, Means, Preuitt, Roberts, Smitherman,
Little (Z), Penn, and Tanner

RFD: Finance and Taxation Education

First Read: 19-JUL-05





SB53

ENROLLED, An Act,

To amend Sections 13A-5-2, 13A-5-6, 13A-6-69, 13A-11-200, 13A-11-201, 13A-11-202, 14-9-41, 15-18-8, 15-20-20.1, 15-20-21, 15-20-22, 15-20-23, 15-20-24, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-29, 15-20-31, and 15-20-35 of the Code of Alabama 1975, relating to adult and juvenile criminal sex offenders; to provide for further regulation of adult and juvenile criminal sex offenders and to provide for increased or additional criminal penalties; to add new Sections 15-20-23.1, 15-20-26.1 and 15-20-26.2 to the Code of Alabama 1975, regulating adult criminal sex offenders and juvenile sex offenders and to provide penalties; and to repeal Section 13A-11-203, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-5-2, 13A-5-6, 13A-6-69, 13A-11-200, 13A-11-201, 13A-11-202, 14-9-41, 15-18-8, 15-20-20.1, 15-20-21, 15-20-22, 15-20-23, 15-20-24, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-29, 15-20-31, and 15-20-35 of the Code of Alabama 1975, are amended to read as follows:

"§13A-5-2.

1 "(a) Every person convicted of a felony shall be
2 sentenced by the court to imprisonment for a term authorized
3 by Sections 13A-5-6, 13A-5-9 and 13A-5-10.

4 "(b) In addition to imprisonment, every person
5 convicted of a felony may be sentenced by the court to pay a
6 fine authorized by Section 13A-5-11.

7 "(c) Every person convicted of a misdemeanor or
8 violation shall be sentenced by the court to:

9 "(1) Imprisonment for a term authorized by Section
10 13A-5-7; or

11 "(2) Pay a fine authorized by Section 13A-5-12; or

12 "(3) Both such imprisonment and fine.

13 "(d) Every person convicted of a felony, misdemeanor
14 or violation, except for the commission of a criminal sex
15 offense involving a child as defined in Section 15-20-21(5),
16 may be placed on probation as authorized by law.

17 "(e) This article does not deprive a court of
18 authority conferred by law to forfeit property, dissolve a
19 corporation, suspend or cancel a license or permit, remove a
20 person from office, cite for contempt or impose any other
21 lawful civil penalty. Such a judgment, order or decree may be
22 included as part of the sentence.

23 "(f) Every person convicted of murder shall be
24 sentenced by the court to imprisonment for a term, or to death

1 or to life imprisonment without parole as authorized by
2 subsection (c) of Section 13A-6-2.

3 "§13A-5-6.

4 "(a) Sentences for felonies shall be for a definite
5 term of imprisonment, which imprisonment includes hard labor,
6 within the following limitations:

7 "(1) For a Class A felony, for life or not more than
8 99 years or less than 10 years.

9 "(2) For a Class B felony, not more than 20 years or
10 less than 2 years.

11 "(3) For a Class C felony, not more than 10 years or
12 less than 1 year and 1 day.

13 "(4) For a Class A felony in which a firearm or
14 deadly weapon was used or attempted to be used in the
15 commission of the felony, or a Class A felony criminal sex
16 offense involving a child as defined in Section 15-20-21(5),
17 not less than 20 years.

18 "(5) For a Class B or C felony in which a firearm or
19 deadly weapon was used or attempted to be used in the
20 commission of the felony, or a Class B felony criminal sex
21 offense involving a child as defined in Section 15-20-21(5),
22 not less than 10 years.

23 "(b) The actual time of release within the
24 limitations established by subsection (a) of this section

1 shall be determined under procedures established elsewhere by
2 law.

3 "(c) In addition to any penalties heretofore or
4 hereafter provided by law, in all cases where an offender is
5 designated as a sexually violent predator pursuant to Section
6 15-20-25.3, or where an offender is convicted of a Class A
7 felony criminal sex offense involving a child as defined in
8 Section 15-20-21(5), and is sentenced to a county jail or the
9 Alabama Department of Corrections, the sentencing judge shall
10 impose an additional penalty of not less than 10 years of
11 post-release supervision to be served upon the defendant's
12 release from incarceration.

13 "§13A-6-69.

14 "(a) It shall be unlawful for any person with
15 lascivious intent to entice, allure, persuade or invite, or
16 attempt to entice, allure, persuade or invite, any child under
17 16 years of age to enter any vehicle, room, house, office or
18 other place for the purpose of proposing to such child the
19 performance of an act of sexual intercourse or an act which
20 constitutes the offense of sodomy or for the purpose of
21 proposing the fondling or feeling of the sexual or genital
22 parts of such child or the breast of such child, or for the
23 purpose of committing an aggravated assault on such child, or
24 for the purpose of proposing that such child fondle or feel
25 the sexual or genital parts of such person.

1 "(b) A violation of this section is a Class C
2 felony.

3 "\$13A-11-200.

4 "(a) The Legislature declares that its intent in
5 imposing certain reporting and registration requirements on
6 criminal sex offenders is to protect the public, especially
7 children, from the dangers posed by criminal sex offenders and
8 not to further punish such offenders.

9 "(b) If any person, except a delinquent child, as
10 defined in Section 12-15-1, residing in Alabama, has
11 heretofore been convicted, or shall be convicted in any state
12 or municipal court in Alabama, or federal court, or so
13 convicted in another state in any court having jurisdiction
14 similar to the jurisdiction of state and municipal courts in
15 Alabama for any of the offenses hereinafter enumerated, such
16 person shall, upon his or her release from legal custody,
17 register with the sheriff of the county of his or her legal
18 residence within ^{prior said 30} seven days following such release or within
19 30 days after September 7, 1967, in case such person was
20 released prior to such date. For purposes of this article, a
21 conviction includes a plea of nolo contendere, regardless of
22 whether adjudication was withheld. The offenses above referred
23 to are generally any act of sexual perversion involving a
24 member of the same or the opposite sex, or any sexual abuse of
25 any member of the same or the opposite sex or any attempt to



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1 commit any of these acts, and without limiting the generality
2 of the above statement shall include specifically: rape, as
3 proscribed by Sections 13A-6-61 and 13A-6-62; sodomy, as
4 proscribed by Sections 13A-6-63 and 13A-6-64; sexual
5 misconduct, as proscribed by Section 13A-6-65; indecent
6 exposure, as proscribed by Section 13A-6-68; promoting
7 prostitution in the first or second degree, as proscribed by
8 Sections 13A-12-111 and 13A-12-112; obscenity, as proscribed
9 by Section 13A-12-131; incest, as proscribed by Section
10 13A-13-3; or the attempt to commit any of the above offenses.

11 "(c) Any person having been so convicted shall upon
12 moving his legal residence from one county to another register
13 with the sheriff of the county to which he has moved within
14 ^{prior said 30} ~~seven~~ days after such removal. It shall be unlawful for a
15 convicted sex offender as described in this article to fail or
16 refuse to register as required in this section and failure to
17 do so is a Class C felony.

18 "\$13A-11-201.

19 "The sheriff of each county in Alabama shall
20 maintain a register or roster of the names of all persons
21 registered by him under this article, which register shall
22 only be open to inspection by duly constituted law enforcement
23 officers. The information contained in the register or roster,
24 however, shall be made available if disclosure is necessary
25 for the administration, implementation, or enforcement of the

Community Notification Act, Chapter 20 of Title 15. The sheriff shall also notify the state department of public safety of the name of each person registered by him and at the same time supply to such department information relative to the conviction of each person so registered.

"§13A-11-202.

"The State Department of Public Safety shall maintain a register or roster of the names of all persons registered under this article by the several sheriffs of the state. Such register or roster shall be open only to inspection by duly constituted law enforcement officers or agencies. The information contained in the register or roster, however, shall be made available if disclosure is necessary for the administration, implementation, or enforcement of the Community Notification Act, Chapter 20 of Title 15.

"§14-9-41.

"(a) Each prisoner who shall hereafter be convicted of any offense against the laws of the State of Alabama and is confined, in execution of the judgment or sentence upon any conviction, in the penitentiary or at hard labor for the county or in any municipal jail for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed the rules for a period of time to be specified by this article may be entitled to earn a deduction from the term of his sentence as follows:

1 "(1) Seventy-five days for each 30 days actually
2 served while the prisoner is classified as a Class I prisoner.

3 "(2) Forty days for each 30 days actually served
4 while the prisoner is a Class II prisoner.

5 "(3) Twenty days for each 30 days actually served
6 while the prisoner is a Class III prisoner.

7 "(4) No good time shall accrue during the period the
8 prisoner is classified as a Class IV prisoner.

9 "(b) Within 90 days after May 19, 1980, the
10 Commissioner of the Department of Corrections shall establish
11 and publish in appropriate directives certain criteria not in
12 conflict with this article for Class I, II, III, and IV
13 prisoner classifications. Such classifications shall encompass
14 consideration of the prisoner's behavior, discipline, and work
15 practices and job responsibilities.

16 "(c) (1) Class I is set aside for those prisoners who
17 are considered to be trustworthy in every respect and who, by
18 virtue of their work habits, conduct and attitude of
19 cooperation have proven their trustworthiness. An example of a
20 Class I inmate would be one who could work without constant
21 supervision by a security officer.

22 "(2) Class II is that category of prisoners whose
23 jobs will be under the supervision of a correctional employee
24 at all times. Any inmate shall remain in this classification

1 for a minimum period of six months before being eligible for
2 Class I.

3 "(3) Class III is for prisoners with special
4 assignments. They may not receive any of the privileges of
5 Class I and Class II inmates. Any inmate shall remain in this
6 classification for a minimum period of three months before
7 being eligible for Class II.

8 "(4) Class IV is for prisoners not yet classified
9 and for those who are able to work and refuse, or who commit
10 disciplinary infractions of such a nature which do not warrant
11 a higher classification, or inmates who do not abide by the
12 rules of the institution. Inmates who are classified in this
13 earning class receive no correctional incentive time. This
14 class is generally referred to as "flat time" or
15 "day-for-day". Any inmate shall remain in this classification
16 for a minimum period of 30 days before being eligible for
17 Class III.

18 "(5) No inmate may reach any class without first
19 having gone through and meeting the requirements of all lower
20 classifications.

21 "(d) As a prisoner gains a higher classification
22 status he shall not be granted retroactive incentive credit
23 based on the higher classification he has reached, but shall
24 be granted incentive credit based solely on the classification
25 in which he was serving at the time the incentive credit was

1 earned. Nothing in this article shall be interpreted as
2 authorizing an inmate incentive credits based on the highest
3 classification he attains for any period of time in which he
4 was serving in a lower classification or from the date of his
5 sentence.

6 "(e) Provided, however, no person may receive the
7 benefits of correctional incentive time if he or she has been
8 convicted of a Class A felony or has been sentenced to life,
9 or death, or who has received a sentence for more than 15
10 years in the state penitentiary or in the county jail at hard
11 labor or in any municipal jail. No person may receive the
12 benefits of correctional incentive time if he or she has been
13 convicted of a criminal sex offense involving a child as
14 defined in Section 15-20-21(5). No person may be placed in
15 Class I if he or she has been convicted of an assault where
16 the victims of such assault suffered the permanent loss or use
17 or permanent partial loss or use of any bodily organ or
18 appendage. No person may be placed in Class I if he or she has
19 been convicted of a crime involving the perpetration of sexual
20 abuse upon the person of a child under the age of 17 years.

21 "The court sentencing a person shall note upon the
22 transcript to accompany such prisoner the fact that he or she
23 has been sentenced as a result of a crime that forbids his or
24 her being classified as a Class I prisoner.

1 "(f)(1) If during the term of imprisonment a
2 prisoner commits an offense or violates a rule of the
3 Department of Corrections, all or any part of his correctional
4 incentive time accrued pursuant to this section shall be
5 forfeited.

6 "(2) The Commissioner of the Department of
7 Corrections shall have the power to restore to any prisoner
8 who has heretofore, or who may hereafter, forfeit the
9 deductions allowed him or her for good behavior, work habits
10 and cooperation, or good conduct, by violating any existing
11 law or prison rule or regulation such portion of his deduction
12 for good conduct or good behavior as may be proper in his
13 judgment, upon recommendation and evidence submitted to him by
14 the warden in charge.

15 "(g)(1) When a prisoner is serving two or more terms
16 of imprisonment and the sentences run consecutively, then all
17 such sentences shall be combined for the purpose of computing
18 deductions for correctional incentive time and release date;
19 however, the actual deduction from sentence for correctional
20 incentive time provided by this section shall apply only to
21 sentences to be served.

22 "(2) When a prisoner is serving two or more
23 sentences which run concurrently, the sentence which results
24 in the longer period of incarceration yet remaining shall be
25 considered the term to which such prisoner is sentenced for

1 the purpose of computing his release date and correctional
2 incentive time under the provisions of this article. When
3 computing the deductions allowed in this section on
4 indeterminate sentences the maximum sentence shall be the
5 basis for the computation. The provisions of this section
6 shall be administered by the chief administrative officer of
7 the penal institution as it applies to prisoners in any state
8 penal institution, by the sheriff of the county as it applies
9 to prisoners in any county jail and by the chief of police as
10 it applies to prisoners in any municipal jail.

11 "(h) Deductions for good behavior, work habits and
12 cooperation, or good conduct shall be interpreted to give
13 authorized good time retroactively, to those offenders
14 convicted of crimes committed after May 19, 1980, except those
15 convicted of crimes of the unlawful sale or distribution of
16 controlled substances as enumerated in Title 13A and in former
17 Chapter 2 of Title 20, and for any sexual offenses as
18 enumerated in Chapter 6, Title 13A, provided however that the
19 Commissioner of the Department of Corrections shall have the
20 prison records of all inmates, who become eligible under this
21 article, reviewed and shall disqualify any such inmate from
22 being awarded good time under this article at his discretion.

23 "§15-18-8.

24 "(a) When a defendant is convicted of an offense,
25 other than a criminal sex offense involving a child as defined

1 in Section 15-20-21(5), which constitutes a Class A or B
2 felony and receives a sentence of 20 years or less in any
3 court having jurisdiction to try offenses against the State of
4 Alabama and the judge presiding over the case is satisfied
5 that the ends of justice and the best interests of the public
6 as well as the defendant will be served thereby, he or she may
7 order:

8 "(1) That the convicted defendant be confined in a
9 prison, jail-type institution, or treatment institution for a
10 period not exceeding three years in cases where the imposed
11 sentence is not more than 15 years, and that the execution of
12 the remainder of the sentence be suspended notwithstanding any
13 provision of the law to the contrary and that the defendant be
14 placed on probation for such period and upon such terms as the
15 court deems best. In cases involving an imposed sentence of
16 greater than 15 years, but not more than 20 years, the
17 sentencing judge may order that the convicted defendant be
18 confined in a prison, jail-type institution, or treatment
19 institution for a period not exceeding five years, but not
20 less than three years, during which the offender shall not be
21 eligible for parole or release because of deduction from
22 sentence for good behavior under the Alabama Correctional
23 Incentive Time Act, and that the remainder of the sentence be
24 suspended notwithstanding any provision of the law to the

1 contrary and that the defendant be placed on probation for the
2 period upon the terms as the court deems best.

3 "(2) That the convicted defendant may be confined,
4 upon consultation with the Commissioner of the Alabama
5 Department of Corrections (hereinafter called department) in a
6 disciplinary, rehabilitation, conservation camp program
7 (hereinafter called program) of the department. The convicted
8 defendant shall be received into the department in accordance
9 with applicable department rules and regulations and may be
10 placed in the program after completion of this initial
11 reception. The program shall be not less than 90 days nor more
12 than 180 days in duration and shall be operated in accordance
13 with department rules and regulations and as otherwise
14 provided for by law. The commissioner of the department or his
15 or her designee shall report to the sentencing court of each
16 convicted defendant whether or not the convicted defendant
17 completes or does not complete the program with any additional
18 information that the commissioner or his or her designee shall
19 wish to provide the court. Upon receipt of this report, the
20 sentencing court may, upon its own order, suspend the
21 remainder of the sentence and place the convicted defendant on
22 probation as provided herein or order the convicted defendant
23 to be confined to a prison, jail-type institution, or
24 treatment institution for a period not to exceed three years
25 and that the execution of the remainder of the sentence be

1 suspended and the defendant be placed on probation for such
2 period and upon such terms as the court deems best. If the
3 sentencing court imposes additional confinement, as outlined
4 above, credit shall be given for the actual time spent by the
5 convicted defendant in the program. Conviction of an offense
6 or prior offense of murder, rape first degree, kidnapping
7 first degree, sodomy first degree, enticing a child to enter
8 vehicle, house, etc., for immoral purposes, arson first
9 degree, robbery first degree, and sentencing of life without
10 parole will not be eligible for this program. It shall be the
11 duty of the joint prison committee as established by Sections
12 29-2-20 to 29-2-22, inclusive, to annually review the
13 operation of the program and report their findings to the
14 Alabama Legislature.

15 "(b) Probation may not be granted for a criminal sex
16 offense involving a child as defined in Section 15-20-21(5),
17 which constitutes a Class A or B felony. Otherwise, probation
18 may be granted whether the offense is punishable by fine or
19 imprisonment or both. If an offense is punishable by both fine
20 and imprisonment, the court may impose a fine and place the
21 defendant on probation as to imprisonment. Probation may be
22 limited to one or more counts or indictments, but, in the
23 absence of express limitation, shall extend to the entire
24 sentence and judgment.

1 "(c) Regardless of whether the defendant has begun
2 serving the minimum period of confinement ordered under the
3 provisions of subsection (a), the court shall retain
4 jurisdiction and authority throughout said period to suspend
5 that portion of the minimum sentence that remains and place
6 the defendant on probation, notwithstanding any provision of
7 the law to the contrary and the court may revoke or modify any
8 condition of probation or may change the period of probation.

9 "(d) While incarcerated or on probation and among
10 the conditions thereof, the defendant may be required:

11 "(1) To pay a fine in one or several sums;

12 "(2) To make restitution or reparation to aggrieved
13 parties for actual damages or loss caused by the offense for
14 which conviction was had; and

15 "(3) To provide for the support of any persons for
16 whose support he or she is legally responsible.

17 "(e) The defendant's liability for any fine or other
18 punishment imposed as to which probation is granted shall be
19 fully discharged by the fulfillment of the terms and
20 conditions of probation.

21 "(f) During any term of probation, the defendant
22 shall report to the probation authorities at such time and
23 place as directed by the judge imposing sentence.

24 "(g) No defendant serving a minimum period of
25 confinement ordered under the provisions of subsection (a)

1 shall be entitled to parole or to deductions from his or her
2 sentence under the Alabama Correctional Incentive Time Act,
3 during the minimum period of confinement so ordered; provided,
4 however, that this subsection shall not be construed to
5 prohibit application of the Alabama Correctional Incentive
6 Time Act to any period of confinement which may be required
7 after the defendant has served such minimum period.

8 "§15-20-20.1.

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

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



1 abuse and exploitation promptly. It will allow them to alert
2 the public when necessary for the continued protection of the
3 community.

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

19 "Juvenile sex offenders, like their adult
20 counterparts, pose a danger to the public. Research has shown,
21 however, that there are significant differences between adult
22 and juvenile criminal sexual offenders. Juveniles are much
23 more likely to respond favorably to sexual offender treatment.
24 Juvenile offenders have a shorter history of committing sexual
25 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 that juvenile criminal sex offenders
8 should be subject to the Community Notification Act, but that
9 certain precautions should be taken to target the juveniles
10 that pose 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 article.

20 "The Legislature declares that its intent in
21 imposing certain reporting and monitoring requirements on
22 criminal sex offenders and requiring community notification of
23 the residence and workplace of criminal sex offenders is to
24 protect the public, especially children, from convicted
25 criminal sex offenders.

1 "§15-20-21.

2 "For purposes of this article, the following words
3 shall have the following meanings:

4 "(1) ADULT CRIMINAL SEX OFFENDER. A person convicted
5 of a criminal sex offense, including a person who has pleaded
6 nolo contendere to a criminal sex offense, regardless of
7 whether adjudication was withheld.

8 "(2) CHILD CARE FACILITY. A licensed daycare center,
9 a licensed child care facility, or any other child care
10 service that is exempt from licensing pursuant to Section
11 38-7-3.

12 "(3) COMMUNITY NOTIFICATION FLYER. This notification
13 shall include the following information on the criminal sex
14 offender: Name; actual living address; sex; date of birth;
15 complete physical description, including distinguishing
16 features such as scars, birth marks, or any identifying
17 physical characteristics; and a current photograph. This
18 notification shall also include a statement of the criminal
19 sex offense for which he or she has been convicted, including
20 the age and gender of the victim, the geographic area where
21 the offense occurred, and the date upon which the criminal sex
22 offender will be released. This notification shall also
23 include a statement that the same information is on file at
24 the sheriff's office and police headquarters, if a police
25 department has jurisdiction over the criminal sex offender's

1 residence, and that the information will be available to the
2 general public for inspection and identification purposes
3 during regular business hours.

4 "(4) CRIMINAL SEX OFFENSE. Any of the following
5 offenses:

6 "a. Rape in the first or second degree, as
7 proscribed by Section 13A-6-61 or 13A-6-62; provided that a
8 sentencing court may exempt from this article a juvenile or
9 youthful offender criminal sex offender for a criminal sex
10 offense as defined in Section 13A-6-62(a)(1).

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

13 "c. Sexual torture, as proscribed by Section
14 13A-6-65.1.

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

17 "e. Enticing a child to enter a vehicle, room,
18 house, office, or other place for immoral purposes, as
19 proscribed by Section 13A-6-69.

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

22 "g. Violation of the Alabama Child Pornography Act,
23 as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,
24 or 13A-12-197.

1 "h. Kidnapping of a minor, except by a parent, in
2 the first or second degree, as proscribed by Section 13A-6-43
3 or 13A-6-44.

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

6 "j. Soliciting a child by computer for the purposes
7 of committing a sexual act and transmitting obscene material
8 to a child by computer, as proscribed by Sections 13A-6-110
9 and 13A-6-111.

10 "k. Any solicitation, attempt, or conspiracy to
11 commit any of the offenses listed in paragraphs a. to j.,
12 inclusive.

13 "l. Any crime committed in any state or a federal,
14 military, Indian, or a foreign country jurisdiction which, if
15 it had been committed in this state under the current
16 provisions of law, would constitute an offense listed in
17 paragraphs a. to k., inclusive.

18 "(m) The foregoing notwithstanding, any crime
19 committed in any jurisdiction which, irrespective of the
20 specific description or statutory elements thereof, is in any
21 way characterized or known as rape, sodomy, sexual assault,
22 sexual battery, sexual abuse, sexual torture, solicitation of
23 a child, enticing or luring a child, child pornography, lewd
24 and lascivious conduct, taking indecent liberties with a
25 child, or molestation of a child.

"(5) CRIMINAL SEX OFFENSE INVOLVING A CHILD. A conviction for any criminal sex offense in which the victim was a child under the age of 12 and any offense involving child pornography.

"(6) EMPLOYMENT. Includes employment that is full-time or part-time for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(7) JUVENILE CRIMINAL SEX OFFENDER. An individual adjudicated delinquent of a criminal sex offense.

"(8) MENTAL ABNORMALITY. A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sex offense to a degree that makes the person a menace to the health and safety of other persons.

"(9) PREDATORY. An act directed at a stranger, or a person with whom a relationship has been established, or promoted for the purpose of victimization.

"(10) RELEASE. Release from a state prison, county jail, or municipal jail, or release or discharge from the custody of the Department of Youth Services or other juvenile detention, or placement on an appeal bond, probation or parole or aftercare, or placement into any facility or treatment

1 program that allows the offender to have unsupervised access
2 to the public.

3 "(11) RESPONSIBLE AGENCY. The person or government
4 entity whose duty it is to obtain information from a criminal
5 sex offender before release and to transmit that information
6 to police departments or sheriffs responsible for providing
7 community notification. For a criminal sex offender being
8 released from state prison, the responsible agency is the
9 Department of Corrections. For a criminal sex offender being
10 released from a county jail, the responsible agency is the
11 sheriff of that county. For a criminal sex offender being
12 released from a municipal jail, the responsible agency is the
13 police department of that municipality. For a criminal sex
14 offender being placed on probation, including conditional
15 discharge or unconditional discharge, without any sentence of
16 incarceration, the responsible agency is the sentencing court.
17 For a criminal sex offender being released from the Department
18 of Youth Services, the responsible agency is the Department of
19 Youth Services. For a criminal sex offender who is being
20 released from a jurisdiction outside this state and who is to
21 reside in this state, the responsible agency is the Department
22 of Public Safety.

23 "(12) RISK ASSESSMENT. A written report on the
24 assessment of risk for sexually re-offending conducted by a
25 sexual treatment program approved by the Department of Youth

Services. The report shall include, but not be limited to, the following regarding the criminal sex offender: Criminal history, mental status, attitude, previous sexual offender treatment and response to treatment, social factors, conditions of release expected to minimize risk of sexual re-offending, and characteristics of the criminal sex offense.

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

"(14) SENTENCING COURT. The court of conviction or the court that determines sentence as a result of conviction or adjudication.

"(15) SEXUALLY VIOLENT PREDATOR. A person who has been convicted of a criminal sex offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.

"(16) STUDENT. A person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any schools as defined in subdivision (13).

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

"§15-20-22.

1 "(a) Forty-five days prior to the release of an
2 adult criminal sex offender, the following shall apply:

3 "(1) The responsible agency shall require the adult
4 criminal sex offender to declare, in writing or by electronic
5 means approved by the Director of the Department of Public
6 Safety, the actual address at which he or she will reside or
7 live upon release and the name and physical address of his or
8 her employer, if any. Any failure to provide timely and
9 accurate declarations shall constitute a Class C felony. Any
10 adult criminal sex offender in violation of this section shall
11 be ineligible for release on probation or parole. Any adult
12 criminal sex offender in violation of this section who is to
13 be released due to the expiration of his or her sentence shall
14 be charged with violating this section and, upon release,
15 shall immediately be remanded to the custody of the sheriff of
16 the county in which the violation occurred. Any adult criminal
17 sex offender charged with violating this section may only be
18 released on bond on the condition that the offender is in
19 compliance with this section before being released.

20 "(2) If the adult criminal sex offender declares his
21 or her intent to reside or be employed outside of the state,
22 the responsible agency shall, within five business days of the
23 declarations required by this article, notify the Director of
24 the Department of Public Safety, the Attorney General, or the
25 designated state law enforcement agency of the state to which

1 the adult criminal sex offender has declared his or her intent
2 to move or in which he or she intends to be employed, and
3 shall also notify the Alabama Criminal Justice Information
4 Center. The notification shall include all information
5 available to the responsible agency which would be necessary
6 to identify and trace the adult criminal sex offender,
7 including, but not limited to, the offender's declared places
8 of residence and employment, each sex offense history or
9 pre-sentence investigation of the sex offense, fingerprints,
10 and a current photograph of the adult criminal sex offender.

11 "(3) If the adult criminal sex offender declares his
12 or her intent to reside, live, or be employed within this
13 state, the responsible agency shall, within five business days
14 of the written declaration, notify the Attorney General, the
15 Director of the Department of Public Safety, the district
16 attorney and the sheriff of any county in which the adult
17 criminal sex offender intends to reside or be employed, the
18 chief of police of any municipality in which the adult
19 criminal sex offender intends to reside or be employed, and
20 the Alabama Criminal Justice Information Center. The
21 notification shall include all information available to the
22 responsible agency which would be necessary to identify and
23 trace the adult criminal sex offender, including, but not
24 limited to, the offender's declared places of residence and
25 employment, each sex offense history or pre-sentence

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

3 "(4) The Alabama Criminal Justice Information Center
4 shall be responsible for notifying the Federal Bureau of
5 Investigation with sex offender information upon receiving
6 this information from the responsible agency. Measures shall
7 be taken to ensure this information is submitted to and
8 included in the national database of sex offenders established
9 pursuant to 42 U.S.C. § 14072.

10 "(b) If a sentencing court does not impose a
11 sentence of incarceration upon conviction of the adult
12 criminal sex offender for a criminal sex offense, notification
13 shall be provided by the responsible agency in accordance with
14 subsection (a) within 24 hours of release.

15 "(c) Prior to release, every adult criminal sex
16 offender convicted for a criminal sex offense shall submit to
17 the probation officer or sheriff a DNA sample that will be
18 sent to the Department of Forensic Sciences. An adult criminal
19 sex offender who intentionally fails to provide a DNA sample
20 shall be guilty of a Class C felony.

21 "(d) If an adult criminal sex offender is unable to
22 declare a place of employment prior to release because he or
23 she is unemployed, the offender shall declare in writing or by
24 electronic means approved by the Director of the Department of
25 Public Safety the name and physical address of his or her

1 employer to the sheriff of the county and chief of police of
2 the municipality in which the offender is employed by the end
3 of the next business day after he or she obtains employment.
4 Any failure to provide a timely and accurate written
5 declaration as required by this section is a Class C felony.

6 "§15-20-23.

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

20 "(b) Notwithstanding other provisions of law
21 regarding establishment of residence, an adult criminal sex
22 offender shall be deemed to have established a new residence
23 in any of the following circumstances:

24 "(1) Whenever that adult criminal sex offender is
25 domiciled for three consecutive days or more.

1 "(2) Whenever that adult criminal sex offender is
2 domiciled following his or her release, regardless of whether
3 that criminal sex offender has been domiciled at the same
4 location prior to the time of conviction.

5 "(3) Whenever an adult criminal sex offender spends
6 10 or more aggregate days at a location during a calendar
7 month.

8 "\$15-20-24.

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

23 "(b) Within 10 days of the receipt of the
24 verification form, the adult criminal sex offender shall
25 present in person the completed verification form to the

1 sheriff, or chief of police where applicable, who shall obtain
2 fingerprints and a photograph of the adult criminal sex
3 offender. The verification form shall be signed by the adult
4 criminal sex offender and shall state that the adult criminal
5 sex offender still resides at that address and that the adult
6 criminal sex offender is in compliance with the residence
7 restrictions established in this article. In the event the
8 adult criminal sex offender does not receive a verification
9 form from the Department of Public Safety, the offender must
10 nonetheless report in person to the sheriff, or chief of
11 police where applicable, to verify his or her place of
12 residence within 90 days of his or her most recent release and
13 thereafter each year within 30 days of the offender's birthday
14 and the date six months after the offender's birthday.

15 "(c) Within 30 days of an adult criminal sex
16 offender's address verification, the Department of Public
17 Safety shall, in accordance with guidelines promulgated by the
18 Department of Public Safety, receive from the appropriate
19 sheriff or chief of police verification of the adult criminal
20 sex offender's address. Such guidelines shall ensure that
21 address verification is accomplished with respect to these
22 individuals and shall require the submission of fingerprints
23 and photographs of the individuals.

24 "(d) An adult criminal sex offender who fails to
25 verify his or her place of residence in accordance with this

1 section, provides a false statement to law enforcement in the
2 verification process, or knowingly fails to permit law
3 enforcement personnel to obtain fingerprints or a photograph
4 shall be guilty of a Class C felony.

5 "§15-20-25.1.

6 "(a) Any adult criminal sex offender not a resident
7 of this state shall register with law enforcement whenever the
8 offender comes into this state to accept employment, to carry
9 on a vocation, or to become a student. The offender shall also
10 register any subsequent changes in his or her place of
11 lodging, employment, or school being attended.

12 "(b) Any adult criminal sex offender required to
13 register under this section shall, within five days after
14 entering this state or changing his or her place of lodging,
15 employment, or school being attended, provide a written
16 declaration to the sheriff of the county and chief of police
17 of the municipality in which the offender intends to work or
18 become a student. This written declaration shall contain all
19 of the following:

20 "(1) Information concerning the registrant's place
21 of employment or the school being attended.

22 "(2) The registrant's address in his or her state of
23 residence.

1 "(3) The address of any place of lodging the
2 registrant may have in this state for purposes of employment
3 or attendance as a student.

4 "(4) Other information as would be necessary to
5 complete a community notification flyer as defined in
6 subdivision (3) of Section 15-20-21.

7 "(c) Whenever an adult criminal sex offender
8 registers pursuant to this section, he or she shall be subject
9 to the community notification procedures set forth in Section
10 15-20-25. The adult criminal sex offender shall be treated as
11 though he or she had transferred his or her place of residence
12 to the place of lodging declared under subdivision (3) of
13 subsection (b). If no place of lodging is declared or exists,
14 the adult criminal sex offender shall be treated as though he
15 or she had transferred his or her place of residence to the
16 place of employment or the school being attended declared
17 under subdivision (1) of subsection (b).

18 "(d) An intentional failure to provide a timely and
19 accurate written declaration as required by this section shall
20 constitute a Class C felony.

21 "§15-20-25.2.

22 "(a) In addition to any other requirements of this
23 article, an adult criminal sex offender shall provide written
24 notice to the sheriff of the county and chief of police of the
25 municipality in which the offender resides, of the following:

1 "(1) Each institution of higher education at which
2 the offender is employed, carries on a vocation, or is a
3 student.

4 "(2) Each change in enrollment or employment status
5 of the offender at a an institution of higher education.

6 "(b) An adult criminal sex offender shall provide
7 written notice as required under subdivision (1) of subsection
8 (a) within five days of becoming employed, carrying on a
9 vocation, or becoming a student at an institution of higher
10 education.

11 "(c) A change in status noticed under subdivision
12 (2) of subsection (a) shall be reported by the adult criminal
13 sex offender within five days after the change becomes
14 effective.

15 "(d) Any written notice provided to law enforcement
16 under this section shall be forwarded to the Department of
17 Public Safety and the Alabama Criminal Justice Information
18 Center, both of which shall enter the information contained in
19 the written notice in the appropriate state records or data
20 system.

21 "(e) Any written notice provided to law enforcement
22 under this section shall also be forwarded to campus police
23 and any other security personnel of the school or institution
24 of higher learning where the adult criminal sex offender is
25 employed, carries on a vocation, or is a student.

1 "(f) An intentional failure to provide timely and
2 accurate written notice as required by this section shall
3 constitute a Class C felony.

4 "§15-20-25.3.

5 "(a) Whenever an individual is convicted of a
6 criminal sex offense in this state, the state, at the time of
7 sentencing, may petition the sentencing court to enter an
8 order adjudging the offender to be a sexually violent
9 predator.

10 "(b) If the state so petitions, it shall present
11 clear and convincing evidence that the offender suffers from a
12 mental abnormality or personality disorder that makes the
13 person likely to engage in predatory criminal sex offenses.

14 "(c) Any offender determined in any other state to
15 be a sexually violent predator shall be considered a sexually
16 violent predator in this state.

17 "(d) Sexually violent predators shall be required,
18 upon release, to provide to the responsible agency, in
19 addition to the information required to complete a community
20 notification flyer as provided in subdivision (3) of Section
21 15-20-21:

22 "(1) A full history of criminal offenses committed
23 by the offender.

24 "(2) Documentation of any treatment received for the
25 mental abnormality or personality disorder of the offender.

1 "(e) A sexually violent predator shall be required
2 to verify his or her place of residence on a quarterly basis,
3 rather than an annual basis as is generally provided in
4 Section 15-20-24.

5 "(f) A sexually violent predator, as a condition of
6 the offender's release from incarceration, shall be subject to
7 electronic monitoring and be required to pay the costs of such
8 monitoring, as set forth in Section 15-20-26.1, for a period
9 of no less than 10 years from the date of the sexually violent
10 predator's release. This requirement shall be imposed by the
11 sentencing court as a part of the sexually violent predator's
12 sentence, as provided in Sections 13A-5-6(c) and 15-20-26.1.

13 "(g) An intentional failure to comply with any
14 provision of this section shall constitute a Class C felony.

15 "§15-20-26.

16 "(a) Unless otherwise exempted by law, no adult
17 criminal sex offender shall establish a residence or any other
18 living accommodation or accept employment within 2,000 feet of
19 the property on which any school or child care facility is
20 located.

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



1 "(c) No adult criminal sex offender shall establish
2 a residence or any other living accommodation where a minor
3 resides. Notwithstanding the foregoing, an adult criminal sex
4 offender may reside with a minor if the adult criminal sex
5 offender is the parent, grandparent, or stepparent of the
6 minor, unless one of the following conditions applies:

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

10 "(2) The adult criminal sex offender has been
11 convicted of any criminal sex offense in which any of the
12 offender's minor children, grandchildren, or stepchildren were
13 the victim.

14 "(3) The adult criminal sex offender has been
15 convicted of any criminal sex offense in which a minor was the
16 victim and the minor resided or lived with the offender at the
17 time of the offense.

18 "(4) The adult criminal sex offender has ever been
19 convicted of any criminal sex offense involving a child,
20 regardless of whether the offender was related to or shared a
21 residence with the child victim.

22 "(d) No adult criminal sex offender shall be
23 permitted to willfully or knowingly come within 100 feet of
24 any of his or her former victims, except as elsewhere provided
25 by law, or make any visual or audible sexually suggestive or



1 obscene gesture, sound, or communication at or to a former
2 victim or a member of the victim's immediate family.

3 "(e) Changes to property within 2,000 feet of an
4 adult criminal sex offender's registered address which occur
5 after an adult criminal sex offender establishes residency or
6 accepts employment shall not form the basis for finding that a
7 criminal sex offender is in violation of subsections (a) or
8 (b).

9 "(f) No adult criminal sex offender, after having
10 been convicted of a criminal sex offense involving a child,
11 shall loiter on or within 500 feet of any property on which
12 there is a school, child care facility, playground, park,
13 athletic field or facility, or any other business or facility
14 having a principal purpose of caring for, educating, or
15 entertaining minors. Under this subsection, "loiter" means to
16 enter or remain on property while having no legitimate purpose
17 therefor or, if a legitimate purpose exists, remaining on that
18 property beyond the time necessary to fulfill that purpose. An
19 offender does not violate this subsection unless he or she has
20 first been asked to leave a prohibited location by a person
21 authorized to exclude the offender from the premises. An
22 authorized person includes, but not be limited to, any law
23 enforcement officer, any owner or manager of the premises, a
24 principal or teacher if the premises is a school or child care



1 facility, or a coach if the premises is an athletic field or
2 facility.

3 "(g) No adult criminal sex offender, after having
4 been convicted of a criminal sex offense involving a child,
5 shall accept, maintain, or carry on any employment or vocation
6 at or within 500 feet of a school, child care facility,
7 playground, park, athletic field or facility, or any other
8 business or facility having a principal purpose of caring for,
9 educating, or entertaining minors.

10 "(h) An adult criminal sex offender who knowingly
11 violates the provisions of this section shall be guilty of a
12 Class C felony.

13 "§15-20-29.

14 "(a) Prior to release of the juvenile criminal sex
15 offender, the following shall apply:

16 "(1) The responsible agency shall require the
17 parent, custodian, or guardian of the juvenile criminal sex
18 offender to declare in writing the actual living address at
19 which the juvenile criminal sex offender will reside upon
20 release. An intentional failure to provide a timely and
21 accurate written declaration shall constitute a Class A
22 misdemeanor.

23 "(2) If the parent, guardian, or custodian of the
24 juvenile criminal sex offender declares an address outside of
25 the state, the responsible agency shall, within five business

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

12 "(3) If the parent, guardian, or custodian of the
13 juvenile criminal sex offender declares an address within this
14 state, the responsible agency shall, within five business days
15 of the written declaration, notify the Attorney General, the
16 Director of the Department of Public Safety, the district
17 attorney and the sheriff of the county in which the parent,
18 guardian, or custodian of the juvenile criminal sex offender
19 has declared the actual living address, and the chief of
20 police of any municipality in which the parent, guardian, or
21 custodian of the juvenile criminal sex offender has declared
22 the actual living address. The notification shall include all
23 information available to the responsible agency that would be
24 necessary to identify and trace the juvenile criminal sex
25 offender, including, but not limited to, the risk assessment



1 and a current photograph of the juvenile criminal sex
2 offender.

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

19 (c) When a juvenile criminal sex offender becomes
20 the age of majority, the parent, guardian, or custodian of the
21 juvenile criminal sex offender shall no longer be subject to
22 the requirements under subsections (a) and (b), and the
23 juvenile criminal sex offender shall instead be subject to
24 Section 15-20-22 or Section 15-20-23 as though he or she were
25 an adult criminal sex offender. Community notification,

1 however, shall not be allowed, unless so ordered by the
2 sentencing court.

3 "§15-20-31.

4 "For the purposes of this article, if a youthful
5 offender criminal sex offender has not been previously
6 adjudicated for a criminal sex offense, he or she shall be
7 considered a juvenile criminal sex offender. If a youthful
8 offender criminal sex offender has been previously adjudicated
9 or convicted of a criminal sex offense, he or she shall be
10 treated as an adult criminal sex offender. A youthful offender
11 criminal sex offender who is treated as a juvenile criminal
12 sex offender for purposes of this article may not be released
13 from the jurisdiction of the sentencing court until the
14 offender has undergone sex offender treatment and a risk
15 assessment as required by Sections 15-20-27 and 15-20-28.

16 "§15-20-35.

17 "(a) The responsible agency shall cooperate with the
18 Director of the Department of Public Safety in a reasonable
19 manner that enables the Department of Public Safety to prepare
20 a criminal sex offender release notification form, designed by
21 the Department of Public Safety.

22 "(b) The information collected or maintained by the
23 Department of Public Safety, sheriff, or police department
24 under this article shall be used to track the locations and

movements of criminal sex offenders in this state and shall be disclosed to any of the following:

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

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

"(c) The information in this section may be made available through the Alabama Criminal Justice Information Center information systems and the National Crime Information Center network for criminal justice purposes or any other purpose authorized by law.

"(d) No existing state laws, including, but not limited to, statutes that would otherwise make juvenile and youthful offender records confidential, shall preclude the disclosure of any information requested by a responsible agency, a law enforcement officer, a criminal justice agency, the Attorney General's Office, or a district attorney for purposes of administering, implementing, or enforcing this article."

Section 2. Sections 15-20-23.1, 15-20-26.1, and 15-20-26.2 are added to the Code of Alabama 1975, to read as follows:

§15-20-23.1

If an adult criminal sex offender intends to change his or her place of employment, he or she shall submit a notice of intent to do so to the sheriff of the county and the chief of police of the municipality in which he or she is then employed and to the sheriff of the county and chief of police of the municipality in which he or she intends to be employed, if such are different, at least seven days prior to beginning employment at the new location. An intentional failure to provide a timely and accurate written declaration shall constitute a Class C felony.

§15-20-26.1

(a) The Alabama Criminal Justice Information Center shall implement a system of active and passive electronic monitoring that identifies the location of a monitored person and that can produce upon request reports or records of the person's presence near or within a crime scene or prohibited area, the person's departure from specified geographic limitations, or curfew violations by the offender. The Director of the Alabama Criminal Justice Information Center may promulgate any rules as are necessary to implement and administer this system of active electronic monitoring including establishing policies and procedures to notify the person's probation and parole officer or other court appointed

1 supervising authority when a violation of his or her
2 electronic monitoring restrictions has occurred.

3 (b) The Board of Pardons and Paroles or a court may
4 require, as a condition of release on parole, probation,
5 community corrections, Court Referral Officer supervision,
6 pre-trial release, or any other community based punishment
7 option, that any person charged or convicted of a criminal sex
8 offense be subject to electronic monitoring as provided in
9 subsection (a).

10 (c) Any person designated a sexually violent
11 predator pursuant to Section 15-20-25.3 shall, upon release
12 from incarceration, be subject to electronic monitoring
13 supervised by the Board of Pardons and paroles, as provided in
14 subsection (a), for a period of no less than 10 years from the
15 date of the sexually violent predator's release. This
16 requirement shall be imposed by the sentencing court as a part
17 of the sexually violent predator's sentence in accord with
18 Section 13A-5-6(c).

19 (d) Any person convicted of a Class A felony
20 criminal sex offense involving a child as defined in Section
21 15-20-21(5), upon release from incarceration, shall be subject
22 to electronic monitoring supervised by the Board of Pardons
23 and Paroles, as provided in subsection (a), for a period of no
24 less than 10 years from the date of the offender's release.
25 This requirement shall be imposed by the sentencing court as a

part of the offender's sentence in accord with Section
13A-5-6(c).

(e) Any one subject to electronic monitoring pursuant to this section, unless he or she is indigent, shall be required to reimburse the supervising entity a reasonable fee to defray supervision costs. The Board of Pardons and Paroles, the sentencing court, or other supervising entity shall determine the amount to be paid based on the person's financial means and ability to pay, but such amount shall not exceed fifteen dollars (\$15) per day.

(f) The supervising entity shall pay ACJIC a fee, to be determined by ACJIC but not exceeding ten dollars (\$10) per day, to defray monitoring equipment and telecommunications costs.

(g) It shall constitute a Class C felony for any person to willfully or knowingly alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring under this section.

\$15-20-26.2

(a) Every adult criminal sex offender who is a resident of this state shall obtain and always have in his or her possession either a valid driver's license or identification card issued by the Alabama Department of Public Safety. If any offender is ineligible to be issued a driver's license or official identification card, the Department of

1 Public Safety shall provide the offender some other form of
2 identification card or documentation that, if it is kept in
3 the offender's possession, shall satisfy the requirements of
4 this section. If any adult criminal sex offender is determined
5 to be indigent, an identification card or other documentation
6 in lieu thereof shall be issued to the offender at no cost. An
7 adult criminal sex offender who knowingly violates this
8 provision shall be guilty of a Class C felony.

9 (b) Whenever the Department of Public Safety issues
10 or renews a driver's license or identification card to an
11 adult criminal sex offender, the driver's license or
12 identification card shall bear a designation that enables law
13 enforcement officers to identify the licensee as a criminal
14 sex offender.

15 (c) This section shall become effective September 1,
16 2006.

17 §15-22-27.3

18 Any person convicted of a criminal sex offense
19 involving a child as defined in Section 15-20-21(5) which
20 constitutes a Class A or B felony shall not be eligible for
21 parole.

22 Section 3. Section 13A-11-203 of the Code of Alabama
23 1975, relating by penalty for violations by Registration of
24 Sex Offenders is repealed.

1 Section 4. The procurement of any product or
2 services necessary for compliance with this act, including any
3 system of electronic monitoring, any equipment, and the
4 building of a website, shall be subject to the competitive bid
5 process.

6 Section 5. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

Lucy Baxley

President and Presiding Officer of the Senate

Art. / Smith

Speaker of the House of Representatives

SB53

Senate 21-JUL-05

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 26-JUL-05

Senate concurred in House amendment 26-JUL-05

By: Senator Mitchem

APPROVED 07/29/05

TIME 3:30 p.m.

Bo R. Lee
GOVERNOR

