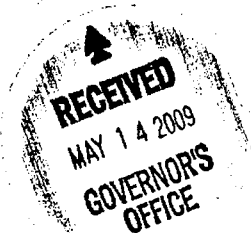


1 SB58
2 105239-3
3 By Senator Penn
4 RFD: Judiciary
5 First Read: 03-FEB-09
6 PFD: 01/27/2009

ACT# 2009- 619



SB58

ENROLLED, An Act,

To amend Section 15-20-22, Code of Alabama 1975, to further provide for the procedures relating to the release of adult criminal sex offenders; to require the local law enforcement agency to verify the physical address where an adult criminal sex offender intends to reside upon release from a correctional facility and to require the responsible agency to notify the offender when the address does not comply with the requirements of law; and to prohibit the early release of an adult criminal sex offender who does not provide a proper physical address where he or she intends to reside as required by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-20-22, Code of Alabama 1975, is amended to read as follows:

"§15-20-22.

"(a) One hundred eighty days prior to the release of an adult criminal sex offender, the following shall apply:

"(1) The responsible agency shall require the adult criminal sex offender to declare, in writing or by electronic means approved by the Director of the Department of Public Safety, the actual physical address at which he or she will

1 reside or live upon release and the name and physical address
2 of his or her employer, if any. The actual physical address at
3 which he or she will reside or live upon release shall be
4 verified by the local law enforcement agency prior to release.
5 This verification by local law enforcement shall include
6 determining whether the address complies with the provisions
7 of this article. At least 110 days before a scheduled release,
8 the local law enforcement agency shall notify the responsible
9 agency whether or not the address was verified and whether or
10 not the address complies with this article. If the address
11 cannot be verified or does not comply with this article, the
12 responsible agency, at least 100 days prior to the scheduled
13 release, shall notify the adult criminal sex offender that the
14 provided address does not satisfy the requirements of this
15 section, shall inform the adult criminal sex offender of the
16 reason that the provided address does not satisfy the
17 requirements of this section, and shall provide written notice
18 to the adult criminal sex offender that he or she shall be
19 considered in violation of this section and shall be subject
20 to the penalties provided in this subsection unless he or she
21 provides a verifiable actual physical address at which he or
22 she will reside or live upon release in compliance with this
23 article at least 70 days prior to his or her scheduled release
24 as provided in this subsection. If the adult criminal sex
25 offender provides a new physical address at which he or she

1 will reside or live upon release, the verification process set
2 out herein shall be conducted for the new physical address to
3 determine whether the address complies with the provisions of
4 this article. Any failure by the adult criminal sex offender
5 to comply with the requirements of this section shall
6 constitute a Class C felony. Any adult criminal sex offender
7 in violation of this section shall be ineligible for release
8 on probation or parole. Any adult criminal sex offender in
9 violation of this section who is to be released due to the
10 expiration of his or her sentence shall be treated as follows:

11 "a. If the offender has not accumulated any
12 incentive time pursuant to Section 14-9-41 or any other
13 provision of law, he or she shall be charged with violating
14 this section. At least five days prior to his or her release
15 date, the Department of Corrections shall notify the sheriff
16 in the county where the last conviction for a criminal sex
17 offense took place, which county shall be the proper venue for
18 arrest and prosecution of violation of this section. Upon
19 notice of the release date, the sheriff from the county of the
20 last conviction for a criminal sex offense shall make
21 arrangements to have the offender immediately remanded to his
22 or her custody at the time of release. Any adult criminal sex
23 offender charged with violating this section may only be
24 released on bond on the condition that the offender is in
25 compliance with this section before being released.

1 "b. If the offender has accumulated correctional
2 incentive time pursuant to Section 14-9-41 or any other
3 provision of law, the offender shall be charged with
4 non-compliance with this section and shall not be allowed
5 early release, but instead shall forfeit all correctional
6 incentive time that has accrued pursuant to Section 14-9-41,
7 or other good time allowed by law.

8 "(2) If the adult criminal sex offender declares his
9 or her intent to reside or be employed outside of the state,
10 the responsible agency , within five business days of the
11 declarations required by this article, shall notify the
12 Director of the Department of Public Safety, the Attorney
13 General, or the designated state law enforcement agency of the
14 state to which the adult criminal sex offender has declared
15 his or her intent to move or in which he or she intends to be
16 employed, and shall also notify the Alabama Criminal Justice
17 Information Center. The notification shall include all
18 information available to the responsible agency which would be
19 necessary to identify and trace the adult criminal sex
20 offender, including, but not limited to, the offender's
21 declared places of residence and employment, each sex offense
22 history or pre-sentence investigation of the sex offense,
23 fingerprints, and a current photograph of the adult criminal
24 sex offender.

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

18 "(4) The Alabama Criminal Justice Information Center
19 shall be responsible for notifying the Federal Bureau of
20 Investigation with sex offender information upon receiving
21 this information from the responsible agency. Measures shall
22 be taken to ensure this information is submitted to and
23 included in the national database of sex offenders established
24 pursuant to 42 U.S.C. § 14072.

1 "(5) Upon conviction and again prior to requiring
2 the adult criminal sex offender to provide the address
3 described in subdivision (1), the responsible agency shall
4 provide the adult criminal sex offender with a form,
5 promulgated by the Attorney General's Office, that lists the
6 requirements of this article. All other adult criminal sex
7 offenders, including those who have already been released,
8 shall be provided with this form at the next scheduled date
9 following the effective date of the act adding this language
10 that he or she is required to present in person the completed
11 verification form mandated by subsection (b) of Section
12 15-20-24. The adult criminal sex offender shall acknowledge
13 receipt of the form by signing it in the designated space.
14 This form shall remain in the adult criminal sex offender's
15 file at the Department of Public Safety.

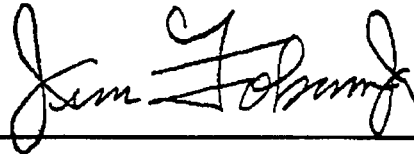
16 "(b) If a sentencing court does not impose a
17 sentence of incarceration upon conviction of the adult
18 criminal sex offender for a criminal sex offense, notification
19 shall be provided by the responsible agency in accordance with
20 subsection (a) within 24 hours of release.

21 "(c) Prior to release, every adult criminal sex
22 offender convicted for a criminal sex offense shall submit to
23 the probation officer or sheriff a DNA sample that will be
24 sent to the Department of Forensic Sciences. An adult criminal

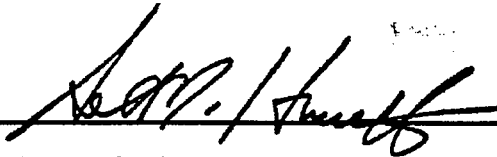
1 sex offender who intentionally fails to provide a DNA sample
2 shall be guilty of a Class C felony.

3 "(d) If an adult criminal sex offender is unable to
4 declare a place of employment prior to release because he or
5 she is unemployed, the offender shall declare in writing or by
6 electronic means approved by the Director of the Department of
7 Public Safety the name and physical address of his or her
8 employer to the sheriff of the county and chief of police of
9 the municipality in which the offender is employed by the end
10 of the next business day after he or she obtains employment.
11 Any failure to provide a timely and accurate written
12 declaration as required by this section is a Class C felony."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.



President and Presiding Officer of the Senate



Speaker of the House of Representatives

SB58


Senate 09-APR-09

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

McDowell Lee
Secretary

House of Representatives
Passed: 14-MAY-09

By: Senator Penn

APPROVED May 21, 2009
TIME 7:05 a.m.

GOVERNOR

Alabama Secretary Of State

Act Num....: 2009-619
Bill Num....: S-58

Recv'd 05/21/09 02:15pmJJB