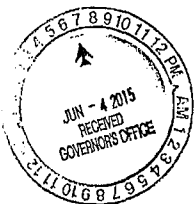


ACT No. 2015- 463

1 HB316  
2 165910-7  
3 By Representatives Givan, Beckman, England, Treadaway and  
4 Coleman-Evans  
5 RFD: Judiciary  
6 First Read: 18-MAR-15



HB316

1  
2 ENROLLED, An Act,  
3 Relating to sex offender registration, to amend  
4 Sections 12-15-107, 12-15-116, 13A-5-2, 13A-5-6, 14-9-41,  
5 15-18-8, 15-19-7, 15-20A-4, 15-20A-5, 15-20A-6, 15-20A-7,  
6 15-20A-8, 15-20A-9, 15-20A-10, 15-20A-11, 15-20A-12,  
7 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-17,  
8 15-20A-18, 15-20A-20, 15-20A-21, 15-20A-22, 15-20A-23,  
9 15-20A-24, 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28,  
10 15-20A-29, 15-20A-30, 15-20A-31, 15-20A-32, 15-20A-34,  
11 15-20A-35, 15-20A-36, 15-20A-37, 15-20A-38, 15-20A-39,  
12 15-20A-40, 15-20A-42, 15-20A-43, 15-20A-44, 15-20A-45,  
13 15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24, 36-18-25,  
14 38-13-2, and 38-13-4, Code of Alabama 1975, to make technical  
15 revisions to the Alabama Sex Offender Registration and  
16 Community Notification Act; to update internal citations to  
17 reflect the appropriate section of the current registration  
18 and community notification law; to clarify that petitions for  
19 relief from registration, employment, or living restrictions  
20 must be filed in the civil division of the circuit court; to  
21 provide a penalty for a sex offender who absconds and fails to  
22 register with the county where he or she declared intent to  
23 reside; and to require a sex offender to provide law  
24 enforcement with a list of all Internet providers used by the  
25 sex offender; and in connection therewith to have as its

purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-15-107, 12-15-116, 13A-5-2, 13A-5-6, 14-9-41, 15-18-8, 15-19-7, 15-20A-4, 15-20A-5, 15-20A-6, 15-20A-7, 15-20A-8, 15-20A-9, 15-20A-11, 15-20A-12, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18, 15-20A-21, 15-20A-22, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-29, 15-20A-32, 15-20A-34, 15-20A-35, 15-20A-37, 15-20A-38, 15-20A-39, 15-20A-40, 15-20A-42, 15-20A-43, 15-20A-44, 15-20A-45, 15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24, 36-18-25, 38-13-2, and 38-13-4, Code of Alabama 1975, are amendeded to read as follows:

"§12-15-107.

"(a) For the purpose of carrying out the objectives and purposes of this chapter and subject to the limitations of this chapter or imposed by the juvenile court, a juvenile probation officer shall perform the following duties:

"(1) Make investigations, reports, and recommendations to the juvenile court.

"(2) Serve as a juvenile court intake officer when designated by the juvenile court judge.

"(3) Supervise and assist a child placed on probation or aftercare by order of the juvenile court or other authority of law until the terms of probation or aftercare expire or are otherwise terminated.

"(4) Make appropriate referrals to other private or public departments or agencies of the community if their assistance appears to be needed or desirable.

"(5) Make predisposition studies and submit reports and recommendations to the juvenile court as required by this chapter.

"(6) Collect and compile statistical data and file reports as may be required by the Administrative Director of Courts pursuant to subdivision (1) of Section 12-5-10. The reports may include, but shall not be limited to, statistical data, case studies, and research materials.

"(7) Notify the state and either the parent, legal guardian, or legal custodian of a juvenile ~~criminal~~ sex offender, or the child's attorney for the juvenile ~~criminal~~ sex offender, of the pending release of the juvenile sex offender and provide them with a copy of the risk assessment pursuant to subsection ~~(b)(c)~~ of Section ~~15-20-20~~ 15-20A-26.

"(8) Perform other functions as are designated by this chapter or directed by the juvenile court.

"(b) For the purposes of this chapter, a juvenile probation officer with the approval of the juvenile court, shall have the power to take into custody and place in shelter or detention, subject to Section 12-15-208, a child who is on probation or aftercare under his or her supervision when the juvenile probation officer has reasonable cause to believe that the child has violated the conditions of his or her probation or aftercare, or that he or she may flee from the jurisdiction of the juvenile court. A juvenile probation officer does not have the powers of a law enforcement officer.

"§12-15-116.

"(a) A juvenile court shall have exclusive original jurisdiction to try any individual committing any of the following offenses while 18 years of age or older:

"(1) Contributing to the delinquency, in need of supervision, or dependency of a child in violation of Section 12-15-111.

"(2) Opposing or interfering with a juvenile probation officer or a representative of the Department of Human Resources in violation of Section 12-15-112.

"(3) Violating any of the confidentiality provisions of Sections 12-15-133, 12-15-134, 12-15-135, or 12-15-217.

"(4) Nonsupport in violation of Section 13A-13-4.

"(5) Violating any of the juvenile criminal sex offender provisions of Section ~~15-20-20(g) (i)~~ 15-20A-27(b) (1).

"(6) Violating any of the provisions of the compulsory school attendance laws in Section 16-28-12.

"(b) All criminal cases before the juvenile court shall be governed by the laws relating thereto and shall be initiated by complaint made before a judge or magistrate according to criminal procedure.

"§13A-5-2.

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

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

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

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

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

"(3) Both such imprisonment and fine.

"(d) Every person convicted of a felony, misdemeanor, or violation, except for the commission of a criminal sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), may be placed on probation as authorized by law.

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

"(f) Every person convicted of murder shall be sentenced by the court to imprisonment for a term, or to death or to life imprisonment without parole as authorized by subsection (c) of Section 13A-6-2.

"§13A-5-6.

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

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

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

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

"(4) For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), not less than 20 years.

"(5) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), not less than 10 years.

"(b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law.

"(c) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is designated as a sexually violent predator pursuant to Section ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a Class A felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), and is sentenced to a county jail or the Alabama Department of Corrections, the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision to be served upon the defendant's release from incarceration.

"(d) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is convicted of a sex offense pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of age or older and the victim was six years of age or less at the time the offense was committed, the defendant shall be

1 sentenced to life imprisonment without the possibility of  
2 parole.

3 "§14-9-41.

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

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

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

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

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

21 "(b) Within 90 days after May 19, 1980, the  
22 Commissioner of the Department of Corrections shall establish  
23 and publish in appropriate directives certain criteria not in  
24 conflict with this article for Class I, II, III, and IV  
25 prisoner classifications. Such classifications shall encompass

1 consideration of the prisoner's behavior, discipline, and work  
2 practices and job responsibilities.

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

9 "(2) Class II is that category of prisoners whose  
10 jobs will be under the supervision of a correctional employee  
11 at all times. Any inmate shall remain in this classification  
12 for a minimum period of six months before being eligible for  
13 Class I.

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

19 "(4) Class IV is for prisoners not yet classified  
20 and for those who are able to work and refuse, or who commit  
21 disciplinary infractions of such a nature which do not warrant  
22 a higher classification, or inmates who do not abide by the  
23 rules of the institution. Inmates who are classified in this  
24 earning class receive no correctional incentive time. This  
25 class is generally referred to as "flat time" or

1 "day-for-day." Any inmate shall remain in this classification  
2 for a minimum period of 30 days before being eligible for  
3 Class III.

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

7 "(d) As a prisoner gains a higher classification  
8 status he shall not be granted retroactive incentive credit  
9 based on the higher classification he has reached, but shall  
10 be granted incentive credit based solely on the classification  
11 in which he was serving at the time the incentive credit was  
12 earned. Nothing in this article shall be interpreted as  
13 authorizing an inmate incentive credits based on the highest  
14 classification he attains for any period of time in which he  
15 was serving in a lower classification or from the date of his  
16 sentence.

17 "(e) Provided, however, no person may receive the  
18 benefits of correctional incentive time if he or she has been  
19 convicted of a Class A felony or has been sentenced to life,  
20 or death, or who has received a sentence for more than 15  
21 years in the state penitentiary or in the county jail at hard  
22 labor or in any municipal jail. No person may receive the  
23 benefits of correctional incentive time if he or she has been  
24 convicted of a ~~criminal~~ sex offense involving a child as  
25 defined in Section ~~15-20-21(5)~~ 15-20A-4(26). No person may be

1 placed in Class I if he or she has been convicted of an  
2 assault where the victims of such assault suffered the  
3 permanent loss or use or permanent partial loss or use of any  
4 bodily organ or appendage. No person may be placed in Class I  
5 if he or she has been convicted of a crime involving the  
6 perpetration of sexual abuse upon the person of a child under  
7 the age of 17 years.

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

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

17 "(2) The Commissioner of the Department of  
18 Corrections shall have the power to restore to any prisoner  
19 who has heretofore, or who may hereafter, forfeit the  
20 deductions allowed him or her for good behavior, work habits  
21 and cooperation, or good conduct, by violating any existing  
22 law or prison rule or regulation such portion of his deduction  
23 for good conduct or good behavior as may be proper in his  
24 judgment, upon recommendation and evidence submitted to him by  
25 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 the purpose of computing his release date and correctional incentive time under the provisions of this article. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation. The provisions of this section shall be administered by the chief administrative officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners in any county jail and by the chief of police as it applies to prisoners in any municipal jail.

"(h) Deductions for good behavior, work habits and cooperation, or good conduct shall be interpreted to give authorized good time retroactively, to those offenders convicted of crimes committed after May 19, 1980, except those

convicted of crimes of the unlawful sale or distribution of controlled substances as enumerated in Title 13A and in former Chapter 2 of Title 20, and for any sexual offenses as enumerated in Chapter 6, Title 13A, provided however that the Commissioner of the Department of Corrections shall have the prison records of all inmates, who become eligible under this article, reviewed and shall disqualify any such inmate from being awarded good time under this article at his discretion.

"§15-18-8.

"(a) When a defendant is convicted of an offense, other than a ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), which constitutes a Class A or B felony and receives a sentence of 20 years or less in any court having jurisdiction to try offenses against the State of Alabama and the judge presiding over the case is satisfied that the ends of justice and the best interests of the public as well as the defendant will be served thereby, he or she may order:

"(1) That the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding three years in cases where the imposed sentence is not more than 15 years, and that the execution of the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for such period and upon such terms as the

1 court deems best. In cases involving an imposed sentence of  
2 greater than 15 years, but not more than 20 years, the  
3 sentencing judge may order that the convicted defendant be  
4 confined in a prison, jail-type institution, or treatment  
5 institution for a period not exceeding five years, but not  
6 less than three years, during which the offender shall not be  
7 eligible for parole or release because of deduction from  
8 sentence for good behavior under the Alabama Correctional  
9 Incentive Time Act, and that the remainder of the sentence be  
10 suspended notwithstanding any provision of the law to the  
11 contrary and that the defendant be placed on probation for the  
12 period upon the terms as the court deems best.

13 "(2) That the convicted defendant may be confined,  
14 upon consultation with the Commissioner of the Alabama  
15 Department of Corrections (hereinafter called department) in a  
16 disciplinary, rehabilitation, conservation camp program  
17 (hereinafter called program) of the department. The convicted  
18 defendant shall be received into the department in accordance  
19 with applicable department rules and regulations and may be  
20 placed in the program after completion of this initial  
21 reception. The program shall be not less than 90 days nor more  
22 than 180 days in duration and shall be operated in accordance  
23 with department rules and regulations and as otherwise  
24 provided for by law. The commissioner of the department or his  
25 or her designee shall report to the sentencing court of each

1 convicted defendant whether or not the convicted defendant  
2 completes or does not complete the program with any additional  
3 information that the commissioner or his or her designee shall  
4 wish to provide the court. Upon receipt of this report, the  
5 sentencing court may, upon its own order, suspend the  
6 remainder of the sentence and place the convicted defendant on  
7 probation as provided herein or order the convicted defendant  
8 to be confined to a prison, jail-type institution, or  
9 treatment institution for a period not to exceed three years  
10 and that the execution of the remainder of the sentence be  
11 suspended and the defendant be placed on probation for such  
12 period and upon such terms as the court deems best. If the  
13 sentencing court imposes additional confinement, as outlined  
14 above, credit shall be given for the actual time spent by the  
15 convicted defendant in the program. Conviction of an offense  
16 or prior offense of murder, rape first degree, kidnapping  
17 first degree, sodomy first degree, enticing a child to enter  
18 vehicle, house, etc., for immoral purposes, arson first  
19 degree, robbery first degree, and sentencing of life without  
20 parole will not be eligible for this program. It shall be the  
21 duty of the Joint Prison Committee as established by Sections  
22 29-2-20 to 29-2-22, inclusive, to annually review the  
23 operation of the program and report their findings to the  
24 Alabama Legislature.



"(b) Probation may not be granted for a criminal sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), which constitutes a Class A or B felony.

Otherwise, probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

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

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

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

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

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

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

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

"(g) No defendant serving a minimum period of confinement ordered under the provisions of subsection (a) shall be entitled to parole or to deductions from his or her sentence under the Alabama Correctional Incentive Time Act, during the minimum period of confinement so ordered; provided, however, that this subsection shall not be construed to prohibit application of the Alabama Correctional Incentive Time Act to any period of confinement which may be required after the defendant has served such minimum period.

"§15-19-7.

"(a) No determination made under the provisions of this chapter shall disqualify any youth for public office or public employment, operate as a forfeiture of any right or privilege or make him ineligible to receive any license granted by public authority, and such determination shall not be deemed a conviction of crime; provided, however, that if he

1 is subsequently convicted of crime, the prior adjudication as  
2 youthful offender shall be considered.

3 "(b) The fingerprints and photographs and other  
4 records of a person adjudged a youthful offender shall not be  
5 open to public inspection unless the person adjudged a  
6 youthful offender is treated as an adult sex offender  
7 according to Section 15-20A-35; provided, however, that the  
8 court may, in its discretion, permit the inspection of papers  
9 or records.

10 "\$15-20A-4.

11 "For purposes of this chapter, the following words  
12 shall have the following meanings:

13 "(1) ADULT SEX OFFENDER. ~~An adult~~ A person convicted  
14 of a sex offense.

15 "(2) CHILD. A person who has not attained the age of  
16 12.

17 "(3) CHILDCARE FACILITY. A licensed child daycare  
18 center, a licensed childcare facility, or any other childcare  
19 service that is exempt from licensing pursuant to Section  
20 38-7-3, provided that the licensed child daycare center,  
21 licensed childcare facility, or any other childcare service  
22 and location are public record or have been provided to local  
23 law enforcement.

24 "(4) CONVICTION. ~~A determination or judgment of~~  
25 ~~guilt following a~~ A verdict or finding of guilt as the result

1 of a trial, a plea of guilty, a plea of nolo contendere, or an  
2 Alford plea regardless of whether adjudication was withheld.  
3 Conviction includes, but is not limited to, a conviction in a  
4 United States territory, a conviction in a federal or military  
5 tribunal, including a court martial conducted by the Armed  
6 Forces of the United States, a conviction for an offense  
7 committed on an Indian reservation or other federal property,  
8 a conviction in any state of the United States or a conviction  
9 in a foreign country if the foreign country's judicial system  
10 is such that it satisfies minimum due process set forth in the  
11 guidelines under Section 111(5) (B) of Public Law 109-248.  
12 Cases on appeal are deemed convictions until reversed or  
13 overturned.

14 "(5) EMPLOYMENT. Employment that is full-time,  
15 part-time, self-employment, or employment as an independent  
16 contractor or day laborer for any period, whether financially  
17 compensated, volunteered, or for the purpose of government or  
18 educational benefit.

19 "(6) FIXED RESIDENCE. A building or structure,  
20 having a physical address or street number, that adequately  
21 provides shelter at which a person resides.

22 "(7) HABITUALLY LIVES. Where a person lives with  
23 some regularity on an intermittent or temporary basis.

24 "(8) HOMELESS. A person who has no fixed residence.

"(9) IMMEDIATE FAMILY MEMBER. A grandparent, parent, sibling, spouse, child of any age by blood, adoption, or marriage, or grandchild.

"(10) IMMEDIATELY. Within three business days.

"(11) JURISDICTION. Any state of the United States, any United States territory, the District of Columbia, or any federally recognized Indian tribe.

"(12) JUVENILE SEX OFFENDER. An individual who has not attained the age of 18 at the time of the offense and who is adjudicated delinquent of a sex offense.

"(13) LOCAL LAW ENFORCEMENT. The sheriff of the county and the chief of police if the location subject to registration is within the corporate limits of any municipality.

"(14) MINOR. A person who has not attained the age of 18.

"(15) PREDATORY. An act directed at a stranger, a person of casual acquaintance, or with whom no substantial relationship exists, or a person with whom a relationship has been established or promoted for the purpose of victimization of that person or individuals over whom that person has control.

"(16) PRIOR CONVICTION. The person has served and has been released or discharged from, or is serving, a separate period of incarceration, commitment, or supervision

for the commission of a sex offense, as defined by Section 15-20A-5, prior to, or at the time of, committing another sex offense.

"(17) REGISTERING AGENCY. Any ~~law enforcement~~ agency where with whom the sex offender registers required registration information.

"(18) RELEASE. Release from a state prison, county jail, municipal jail, mental health facility, release or discharge from the custody of the Department of Youth Services or other juvenile detention, or placement on an appeal bond, probation, parole, or aftercare, placement into any facility or treatment program that allows the sex offender to have unsupervised access to the public, or release from any other facility, custodial or noncustodial, where the sex offender is sentenced or made a ward of that facility by a circuit, district, or juvenile court.

"(19) REQUIRED REGISTRATION INFORMATION. Any information required pursuant to Section 15-20A-7.

"(20) RESIDENCE. Each fixed residence or other place where a person resides, sleeps, or habitually lives or will reside, sleep, or habitually live. If a person does not reside, sleep, or habitually live in a fixed residence, residence means a description of the locations where the person is stationed regularly, day or night, including any mobile or transitory living quarters or locations that have no

specific mailing or street address. Residence shall be construed to refer to the places where a person resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the person declares or characterizes such place as a residence.

"(21) RESPONSIBLE AGENCY. The person or government entity whose duty it is to obtain information from a sex offender and to transmit that information to the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency, police departments, and sheriffs. For a sex offender being released from state prison, the responsible agency is the Department of Corrections. For a sex offender being released from a county jail, the responsible agency is the sheriff of that county. For a sex offender being released from a municipal jail, the responsible agency is the chief of police of that municipality. For a sex offender being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court or designee of the sentencing court. For a juvenile sex offender being released from the Department of Youth Services, the responsible agency is the Department of Youth Services. For a sex offender who is being released from a jurisdiction outside this state and who is to reside in this state, the responsible agency is the sheriff of the county in which the offender intends to establish a residence.

"(22) RISK ASSESSMENT. A written report on the assessment of risk for sexually re-offending conducted by a sex offender treatment program or provider approved by the Department of Youth Services. The report shall include, but not be limited to, the following regarding the juvenile 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 sex offense.

"(23) SCHOOL. A licensed or accredited public, private, or church school that offers instruction in grades K-12. The definition does not include a private residence in which students are taught by parents or tutors or any facility dedicated exclusively to the education of adults unless that facility has a childcare facility as defined in subsection (3).

"(24) SENTENCING COURT. The court of adjudication or conviction.

"(25) SEX OFFENDER. Includes any adult sex offender, any youthful offender sex offender, and any juvenile sex offender.

"(26) SEX OFFENSE INVOLVING A CHILD. ~~A conviction for any A conviction for any A~~ sex offense in which the victim was a child or any offense involving child pornography.

"(27) SEX OFFENSE INVOLVING A MINOR. ~~A conviction~~  
~~for any A conviction for any A~~ sex offense in which the  
 victim was a minor or any offense involving child pornography.

"(28) SEXUALLY VIOLENT PREDATOR. A person who has  
 been convicted of a sexually violent offense and who is likely  
 to engage in one or more future sexually violent offenses or  
 is likely to engage in future predatory sex offenses.

"(29) STUDENT. A person who is enrolled in or  
 attends, on a full-time or part-time basis, any public or  
 private educational institution, including a secondary school,  
 trade or professional school, or institution of higher  
 education.

"(30) TEMPORARY LODGING INFORMATION. Lodging  
 information including, but not limited to, the name and  
 address of any location where the person is staying when away  
 from his or her residence for three or more days and the  
 period of time the person is staying at that location.

"(31) YOUTHFUL OFFENDER SEX OFFENDER. An individual  
 adjudicated as a youthful offender for a sex offense who has  
 not yet attained the age of 21 at the time of the offense.

"§15-20A-5.

"For the purposes of this chapter, a sex offense  
 includes any of the following offenses:

"(1) Rape in the first degree, as provided by  
 Section 13A-6-61.

"(2) Rape in the second degree, as provided by  
 Section 13A-6-62.

"(3) Sodomy in the first degree, as provided by  
 Section 13A-6-63.

"(4) Sodomy in the second degree, as provided by  
 Section 13A-6-64.

"(5) Sexual misconduct, as provided by Section  
 13A-6-65, provided that on a first conviction or adjudication  
 the sex offender is only subject to registration and  
 verification pursuant to this chapter. On a second or  
 subsequent conviction or adjudication of a sex offense, if the  
 second or subsequent conviction or adjudication does not arise  
 out of the same set of facts and circumstances as the first  
 conviction or adjudication of a sex offense, the sex offender  
 shall comply with all requirements of this chapter. The  
 sentencing court may exempt from this chapter a juvenile sex  
 offender adjudicated delinquent of sexual misconduct.

"(6) Sexual torture, as provided by Section  
 13A-6-65.1.

"(7) Sexual abuse in the first degree, as provided  
 by Section 13A-6-66.

"(8) Sexual abuse in the second degree, as provided  
 by Section 13A-6-67.

"(9) Indecent exposure, as provided by Section  
 13A-6-68, provided that on a first conviction or adjudication

1 of a sex offense, the sex offender is only subject to  
 2 registration and verification pursuant to this chapter. On a  
 3 second or subsequent conviction or adjudication of a sex  
 4 offense, if the second or subsequent conviction or  
 5 adjudication does not arise out of the same set of facts and  
 6 circumstances as the first conviction or adjudication, the sex  
 7 offender shall comply with all requirements of this chapter.  
 8 The sentencing court may exempt from this act a juvenile sex  
 9 offender adjudicated delinquent of indecent exposure.

10 "(10) Enticing a child to enter a vehicle, room,  
 11 house, office, or other place for immoral purposes, as  
 12 provided by Section 13A-6-69.

13 "(11) Sexual abuse of a child less than 12 years  
 14 old, as provided by Section 13A-6-69.1.

15 "(12) Promoting prostitution in the first degree, as  
 16 provided by Section 13A-12-111.

17 "(13) Promoting prostitution in the second degree,  
 18 as provided by Section 13A-12-112.

19 "(14) Violation of the Alabama Child Pornography  
 20 Act, as provided by Section 13A-12-191, 13A-12-192,  
 21 13A-12-196, or 13A-12-197.

22 "(15) Unlawful imprisonment in the first degree, as  
 23 provided by Section 13A-6-41, if the victim of the offense is  
 24 a minor, and the record of adjudication or conviction reflects

1 the intent of the unlawful imprisonment was to abuse the minor  
 2 sexually.

3 "(16) Unlawful imprisonment in the second degree, as  
 4 provided by Section 13A-6-42, if the victim of the offense is  
 5 a minor, and the record of adjudication or conviction reflects  
 6 the intent of the unlawful imprisonment was to abuse the minor  
 7 sexually.

8 "(17) Kidnapping in the first degree, as provided by  
 9 subdivision (4) of subsection (a) of Section 13A-6-43, if the  
 10 intent of the abduction is to violate or abuse the victim  
 11 sexually.

12 "(18) Kidnapping of a minor, except by a parent,  
 13 guardian, or custodian, as provided by Section 13A-6-43 or  
 14 13A-6-44.

15 "(19) Incest, as provided by Section 13A-13-3.

16 "(20) Transmitting obscene material to a child by  
 17 computer, as provided by Section 13A-6-111.

18 "(21) School employee engaging in a sex act or  
 19 deviant sexual intercourse with a student, as provided by  
 20 Section 13A-6-81.

21 "(22) School employee having sexual contact with a  
 22 student, as provided by Section 13A-6-82.

23 "(23) Facilitating solicitation of unlawful sexual  
 24 conduct with a child, as provided by Section 13A-6-121.

1           "(24) Electronic solicitation of a child, as  
2 provided by Section 13A-6-122.

3           "(25) Facilitating the on-line solicitation of a  
4 child, as provided by Section 13A-6-123.

5           "(26) Traveling to meet a child for an unlawful sex  
6 act, as provided by Section 13A-6-124.

7           "(27) Facilitating the travel of a child for an  
8 unlawful sex act, as provided by Section 13A-6-125.

9           "(28) Human trafficking in the first degree, as  
10 provided by Section 13A-6-152, provided that the offense  
11 involves sexual servitude.

12           "(29) Human trafficking in the second degree, as  
13 provided by Section 13A-6-153, provided that the offense  
14 involves sexual servitude.

15           "(30) Custodial sexual misconduct, as provided by  
16 Section 14-11-31.

17           "(31) Any offense which is the same as or equivalent  
18 to any offense set forth above as the same existed and was  
19 defined under the laws of this state existing at the time of  
20 such conviction, specifically including, but not limited to,  
21 crime against nature, as provided by Section 13-1-110; rape,  
22 as provided by Sections 13-1-130 and 13-1-131; carnal  
23 knowledge of a woman or girl, as provided by Sections 13-1-132  
24 through 13-1-135, or attempting to do so, as provided by  
25 Section 13-1-136; indecent molestation of children, as defined

1           and provided by Section 13-1-113; indecent exposure, as  
2 provided by Section 13-1-111; incest, as provided by Section  
3 13-8-3; offenses relative to obscene prints and literature, as  
4 provided by Sections 13-7-160 through 13-7-175, inclusive;  
5 employing, harboring, procuring or using a girl over 10 and  
6 under 18 years of age for the purpose of prostitution or  
7 sexual intercourse, as provided by Section 13-7-1; seduction,  
8 as defined and provided by Section 13-1-112; a male person  
9 peeping into a room occupied by a female, as provided by  
10 Section 13-6-6; assault with intent to ravish, as provided by  
11 Section 13-1-46; and soliciting a child by computer, as  
12 provided by Section 13A-6-110.

13           "(32) Any solicitation, attempt, or conspiracy to  
14 commit any of the offenses listed in subdivisions (1) to (31),  
15 inclusive.

16           "(33) Any crime committed in Alabama or any other  
17 state, the District of Columbia, any United States territory,  
18 or a federal, military, Indian, or foreign country  
19 jurisdiction which, if it had been committed in this state  
20 under the current provisions of law, would constitute an  
21 offense listed in subdivisions (1) to (32), inclusive.

22           "(34) Any offense specified by Title I of the  
23 federal Adam Walsh Child Protection and Safety Act of 2006  
24 (Pub. L. 109-248, the Sex Offender Registration and  
25 Notification Act (SORNA)).

"(35) Any crime committed in another state, the District of Columbia, any United States territory, or a federal, military, Indian, or foreign country jurisdiction if that jurisdiction also requires that anyone convicted of that crime register as a sex offender in that jurisdiction.

"(36) Any offender determined in any jurisdiction to be a sex offender shall be considered a sex offender in this state.

"(37) The foregoing notwithstanding, any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, carnal knowledge, sodomy, sexual assault, sexual battery, criminal sexual conduct, criminal sexual contact, sexual abuse, continuous sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child, molestation of a child, criminal sexual misconduct, or video voyeurism, or there has been a finding of sexual motivation.

"(38) Any crime not listed in this section wherein the underlying felony is an element of the offense and listed in subdivisions (1) to (37), inclusive.

"(39) Any other offense not provided for in this section wherein there is a finding of sexual motivation as provided by Section 15-20A-6.

"§15-20A-6.

"(a)(1) The indictment, count in the indictment, information, complaint or warrant charging the offense may include a specification of sexual motivation or the prosecuting attorney may file an allegation of sexual motivation in any criminal case classified as a felony or Class A misdemeanor if sufficient admissible evidence exists that would justify a finding of sexual motivation by a reasonable and objective finder of fact.

"(2) If a specification is included in the indictment, count in the indictment, information, complaint, or warrant charging the offense the specification shall be stated at the end of the body of the indictment, count in the indictment, information, complaint or warrant and shall be in substantially the following form: "SPECIFICATION or SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert appropriate name) further find and specify that the offender committed the offense with a sexual motivation."

"(3) If the prosecuting attorney files an allegation of sexual motivation, it shall be filed within a reasonable time after indictment to give sufficient notice to the defendant.

"(b) If the indictment, count of the indictment, information, complaint or warrant charging the offense includes a specification of sexual motivation or if the



1 prosecuting attorney files an allegation of sexual motivation,  
2 the state shall prove beyond a reasonable doubt that the  
3 defendant committed the offense with a sexual motivation.

4 "(c) The court shall make a written finding of fact,  
5 to be made part of the record upon conviction or adjudication  
6 as a youthful offender, of whether or not a sexual motivation  
7 was present at the time of the commission of the offense  
8 unless the defendant has a trial by jury.

9 "(d) If a defendant has a trial by jury, the jury,  
10 if it finds the defendant guilty, shall also find a special  
11 verdict as to whether or not the defendant committed the crime  
12 with a sexual motivation.

13 "(e) If there is a finding of sexual motivation, the  
14 finding shall be made part of the record of conviction or  
15 adjudication.

16 "(f) For purposes of this section, sexual motivation  
17 means that one of the purposes for which the defendant  
18 committed the crime was for the purpose of the sexual  
19 gratification of the defendant.

20 "(g) This section shall not apply to sex offenses as  
21 defined in subdivisions (1) to (38), inclusive, of Section  
22 15-20A-5.

23 "§15-20A-7.

1 "(a) The following registration information, unless  
2 otherwise indicated, shall be provided by the sex offender  
3 when registering:

4 "(1) Name, including any aliases, nicknames, ethnic,  
5 or tribal names.

6 "(2) Date of birth.

7 "(3) Social Security number.

8 "(4) Address of each residence.

9 "(5) Name and address of any school the sex offender  
10 attends or will attend. For purposes of this subdivision, a  
11 school includes an educational institution, public or private,  
12 including a secondary school, a trade or professional school,  
13 or an institution of higher education.

14 "(6) Name and address of any employer where the sex  
15 offender works or will work, including any transient or day  
16 laborer information.

17 "(7) The license plate number, registration number  
18 or identifier, description, and permanent or frequent location  
19 where all vehicles are kept for any vehicle used for work or  
20 personal use, including land vehicles, aircraft, and  
21 watercraft.

22 "(8) Any telephone number used, including land line  
23 and cell phone numbers.

24 "(9) Any email addresses or instant message address  
25 or identifiers used, including any designations or monikers

1 used for self-identification in Internet communications or  
2 postings.

3 "(10) A current photograph.

4 "(11) A physical description of the sex offender  
5 including physical appearance, physical characteristics, and  
6 identifying marks such as scars and tattoos.

7 "(12) Fingerprints and palm prints.

8 "(13) A DNA sample. The DNA sample may be collected  
9 by the probation officer, sheriff, chief of police, or other  
10 responsible agency. Prior to collecting a DNA sample, the  
11 responsible agency shall determine if a DNA sample has already  
12 been collected for the sex offender by checking the Dru Sjodin  
13 National Sex Offender Public Registry website, the Alabama  
14 Department of Forensic Sciences DNATracker site, or with the  
15 Alabama State Law Enforcement Agency ~~Department of Public~~  
16 ~~Safety~~. If a DNA sample has not been previously collected for  
17 the sex offender, the responsible agency shall coordinate for  
18 the collection of a DNA sample with the sheriff of the county  
19 in which the registration is occurring. The collection of a  
20 DNA sample should be performed using materials recommended or  
21 provided by the Alabama Department of Forensic Sciences. The  
22 DNA sample shall be immediately forwarded by the entity  
23 collecting the sample to the Department of Forensic Sciences.

24 "(14) A photocopy of the valid driver license or  
25 identification card.

1 "(15) A photocopy of any and all passport and  
2 immigration documents.

3 "(16) Any professional licensing information that  
4 authorizes the sex offender to engage in an occupation or  
5 carry out a trade or business.

6 "(17) A full criminal history of the sex offender,  
7 including dates of all arrests and convictions, status of  
8 parole, probation, or supervised release, registration status,  
9 and outstanding arrest warrants.

10 "(18) A list of any and all Internet service  
11 providers used by the sex offender

12 "~~(10)~~ (19) Any other information deemed necessary by  
13 the ~~Director~~ Secretary of the ~~Department of Public Safety~~  
14 Alabama State Law Enforcement Agency.

15 "(b) The registering agency is not required to  
16 obtain any of the following information each time the sex  
17 offender verifies his or her required registration information  
18 if the registering agency verifies the information has already  
19 been collected and has not been changed or altered:

20 "(1) A current photograph.

21 "(2) Fingerprints or palm prints.

22 "(3) A DNA sample.

23 "(4) A photocopy of the valid driver license or  
24 identification card.

1           "(5) A photocopy of any and all passport and  
2 immigration documents.

3           "(c) The registration information shall be  
4 transmitted to the ~~Department of Public Safety~~ Alabama State  
5 Law Enforcement Agency in a manner determined by the ~~director~~  
6 secretary of the department and promulgated in rule by the  
7 director secretary upon recommendation of an advisory board  
8 consisting of representatives of the office of the Attorney  
9 General, District Attorneys Association, Chiefs of Police  
10 Association, Sheriffs Association, and the ~~Department of~~  
11 ~~Public Safety~~ Alabama State Law Enforcement Agency. The  
12 advisory board members shall not receive any compensation or  
13 reimbursement for serving on the advisory board.

14           "(d) The required registration information shall  
15 include a form explaining all registration and notification  
16 duties, including any requirements and restrictions placed on  
17 the sex offender. This form shall be signed and dated by the  
18 sex offender. If the sex offender fails to sign the form, the  
19 designee of the registering agency shall sign the form stating  
20 that the requirements have been explained to the sex offender  
21 and that the sex offender refused to sign.

22           "(e) All required registration information shall be  
23 stored electronically in a manner determined by the ~~Director~~  
24 Secretary of the ~~Department of Public Safety~~ Alabama State Law  
25 Enforcement Agency and shall be available in a digitized

1           format by the ~~Department of Public Safety~~ Alabama State Law  
2 Enforcement Agency to anyone entitled to receive the  
3 information as provided in Section 15-20A-42.

4           "(f) Any person who knowingly fails to provide the  
5 required registration information, or who knowingly provides  
6 false information, pursuant to this section shall be guilty of  
7 a Class C felony.

8           "\$15-20A-8.

9           "(a) All of the following registration information  
10 shall be provided on the public registry website maintained by  
11 the ~~Department of Public Safety~~ Alabama State Law Enforcement  
12 Agency and may be provided on any community notification  
13 documents:

14           "(1) Name, including any aliases, nicknames, ethnic,  
15 or Tribal names.

16           "(2) Address of each residence.

17           "(3) Address of any school the sex offender attends  
18 or will attend. For purposes of this subdivision, a school  
19 includes an educational institution, public or private,  
20 including a secondary school, a trade or professional school,  
21 or an institution of higher education.

22           "(4) Address of any employer where the sex offender  
23 works or will work, including any transient or day laborer  
24 information.

"(5) The license plate number and description of any vehicle used for work or personal use, including land vehicles, aircraft, and watercraft.

"(6) A current photograph.

"(7) A physical description of the sex offender.

"(8) Criminal history of any sex offense for which the sex offender has been adjudicated or convicted.

"(9) The text of the criminal provision of any sex offense of which the sex offender has been adjudicated or convicted.

"(10) Status of the sex offender, including whether the sex offender has absconded.

"(b) None of the following information shall be provided on the public registry website or any other notification documents:

"(1) Criminal history of any arrests not resulting in conviction.

"(2) Social Security number.

"(3) Travel and immigration document numbers.

"(4) Victim identity.

"(5) Internet identifiers.

"(c) Any other required registration information may be included on the website as determined by the ~~Director~~ Secretary of the Department of Public Safety Alabama State Law Enforcement Agency.

"(d) All information shall immediately be posted on the public registry website upon receipt of the information by the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

"(e) The website shall include field search capabilities to search for sex offenders by name, city or town, county, zip code, or geographic radius.

"(f) The website shall include links to sex offender safety and education resources.

"(g) The website shall include instructions on how to seek correction of information that a person contends is erroneous.

"(h) The website shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any person named in the registry or residing or working at any reported address and that any such action may result in civil or criminal penalties.

"§15-20A-9.

"(a) At least 30 days prior to release, or immediately upon notice of release if release is less than 30 days, of an adult sex offender from the county jail, municipal jail, Department of Corrections, or any other facility that has incarcerated the adult sex offender, or immediately upon

1 conviction, if the adult sex offender is not incarcerated, the  
2 responsible agency shall:

3 "(1) ~~inform~~ The responsible agency shall inform the  
4 adult sex offender of his or her duty to register ~~and,~~  
5 instruct the adult sex offender to read and sign a form  
6 stating that the duty to register has been explained, ~~and~~  
7 ~~obtain.~~ The adult sex offender shall sign the form stating  
8 that the duty to register has been explained and shall provide  
9 the required registration information ~~from the adult sex~~  
10 ~~offender.~~ If the adult sex offender refuses to sign the form,  
11 the designee of the responsible agency shall sign the form  
12 stating that the requirements have been explained to the adult  
13 sex offender and that the adult sex offender refused to sign.

14 "(2) If the adult sex offender declares his or her  
15 intent to reside within this state, the responsible agency  
16 shall immediately notify and provide the required registration  
17 information to the ~~Department of Public Safety~~ Alabama State  
18 Law Enforcement Agency, the Attorney General, the district  
19 attorney in the county of conviction, and local law  
20 enforcement where the adult sex offender intends to reside.  
21 The notification shall also include any other information  
22 available to the responsible agency which would be necessary  
23 to identify and trace the adult sex offender, including, but  
24 not limited to, each sex offense history or a copy of the

1 pre-sentence investigation of the sex offense and the release  
2 date of the adult sex offender.

3 "(3) If the adult sex offender declares his or her  
4 intent to reside outside of the state, the responsible agency  
5 shall immediately notify and provide the required registration  
6 information to the ~~Department of Public Safety~~ Alabama State  
7 Law Enforcement Agency, the Attorney General, the district  
8 attorney in the county of conviction, and the designated state  
9 law enforcement agency of the state to which the adult sex  
10 offender has declared his or her intent to reside. The  
11 notification shall also include any other information  
12 available to the responsible agency which would be necessary  
13 to identify and trace the adult sex offender, including, but  
14 not limited to, each sex offense history or a copy of the  
15 pre-sentence investigation of the sex offense and the release  
16 date of the sex offender.

17 "(4) If an adult sex offender is not able to provide  
18 a residence prior to the time of release, then the responsible  
19 agency shall notify the sheriff of the county where the last  
20 conviction for a sex offense or violation of this chapter took  
21 place at least five days prior to the release of the adult sex  
22 offender. Upon notice of the release date from the responsible  
23 agency, the sheriff of the county of the last conviction for a  
24 sex offense or a violation of this chapter shall make  
25 arrangements to have the adult sex offender immediately

remanded to his or her custody to register in accordance with Section 15-20A-10 at the time of release.

"(5) Any adult sex offender who is due to be released due to the expiration of his or her sentence and who refuses to provide the required registration information shall be treated as follows:

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

"b. If the adult sex offender has accumulated correctional incentive time pursuant to Section 14-9-41 or any other law, the adult sex offender shall be charged with

non-compliance with this section and shall not be allowed early release, but instead shall forfeit all correctional incentive time that has accrued pursuant to Section 14-9-41, or other good time allowed by law.

"(b) An adult sex offender who knowingly fails to comply with this section by failing to provide the required registration information shall be guilty of a Class C felony.

"§15-20A-10.

"(a) (1) Immediately upon release from incarceration, or immediately upon conviction if the adult sex offender is not incarcerated, the adult sex offender shall appear in person and register all required registration information with local law enforcement in each county in which the adult sex offender resides or intends to reside, accepts or intends to accept employment, and begins or intends to begin school attendance.

"(2) An adult sex offender who registers pursuant to subdivision (1) shall have seven days from release to comply with the residence restrictions pursuant to subsection (a) of Section 15-20A-11.

"(b) Immediately upon establishing a new residence, accepting employment, or beginning school attendance, the adult sex offender shall appear in person to register with local law enforcement in each county in which the adult sex

1 offender establishes a residence, accepts employment, or  
 2 begins school attendance.

3 "(c) (1) Immediately upon transferring or terminating  
 4 any residence, employment, or school attendance, the adult sex  
 5 offender shall appear in person to notify local law  
 6 enforcement in each county in which the adult sex offender is  
 7 transferring or terminating residence, employment, or school  
 8 attendance.

9 "(2) Whenever a sex offender transfers his or her  
 10 residence, as provided in subdivision (1) from one county to  
 11 another county, the sheriff of the county from which the sex  
 12 offender is transferring his or her residence shall  
 13 immediately notify local law enforcement in the county in  
 14 which the sex offender intends to reside. If a sex offender  
 15 transfers his or her residence, as provided in subdivision (1)  
 16 from one county to another jurisdiction, the sheriff of the  
 17 county from which the sex offender is transferring his or her  
 18 residence shall immediately notify the chief law enforcement  
 19 agency in the jurisdiction in which the sex offender intends  
 20 to reside.

21 "(d) Immediately upon any name change, the adult sex  
 22 offender shall immediately appear in person to update the  
 23 information with local law enforcement in each county in which  
 24 the adult sex offender is required to register.

1 "(e) Upon changing any required registration  
 2 information the adult sex offender shall immediately appear in  
 3 person and update the information with local law enforcement  
 4 in each county in which the adult sex offender resides.  
 5 Provided, however, any changes in telephone numbers, email  
 6 addresses, instant message addresses, or other on-line  
 7 identifiers or internet service providers may be reported to  
 8 local law enforcement in person, electronically, or  
 9 telephonically as required by the local law enforcement  
 10 agency.

11 "(f) An adult sex offender shall appear in person to  
 12 verify all required registration information during the adult  
 13 sex offender's birth month and every three months thereafter,  
 14 regardless of the month of conviction, for the duration of the  
 15 adult sex offender's life with local law enforcement in each  
 16 county in which the adult sex offender resides.

17 "(g) At the time of registration, the adult sex  
 18 offender shall be provided a form explaining any and all  
 19 duties and restrictions placed on the adult sex offender. The  
 20 adult sex offender shall read and sign this form stating that  
 21 he or she understands the duties and restrictions imposed by  
 22 this chapter. If the adult sex offender refuses to sign the  
 23 form, the designee of the registering agency shall sign the  
 24 form stating that the requirements have been explained to the

1 adult sex offender and that the adult sex offender refused to  
2 sign.

3 "(h) For purposes of this section, a school includes  
4 an educational institution, public or private, including a  
5 secondary school, a trade or professional school, or an  
6 institution of higher education.

7 "(i) If an adult sex offender was convicted and  
8 required to register prior to July 1, 2011, then the adult sex  
9 offender shall begin quarterly registration after his or her  
10 next biannual required registration date.

11 "(j) Any person who knowingly violates this section  
12 shall be guilty of a Class C felony.

13 "§15-20A-11.

14 "(a) No adult sex offender shall establish a  
15 residence, maintain a residence after release or conviction,  
16 or establish any other living accommodation within 2,000 feet  
17 of the property on which any school, or childcare facility, or  
18 resident camp facility is located unless otherwise exempted  
19 pursuant to Sections 15-20A-23 and 15-20A-24. For the purposes  
20 of this section, a resident camp facility includes any place,  
21 area, parcel, or tract of land which contains permanent or  
22 semi-permanent facilities for sleeping owned by a business,  
23 church, or nonprofit organization used primarily for the  
24 educational, recreational, or religious purposes for minors  
25 and the location of the resident camp has been provided to

1 local law enforcement. Resident camp does not include a  
2 private residence, farm, hunting, or fishing camp.

3 "(b) No adult sex offender shall establish a  
4 residence, maintain a residence after release or conviction,  
5 or establish any other living accommodation within 2,000 feet  
6 of the property on which his or her former victim, or an  
7 immediate family member of the victim, resides unless  
8 otherwise exempted pursuant to Section 15-20A-24 or Section  
9 15-20A-16.

10 "(c) Changes to property within 2,000 feet of a  
11 registered address of an adult sex offender which occur after  
12 the adult sex offender establishes residency shall not form  
13 the basis for finding that the adult sex offender is in  
14 violation of this section unless the sex offender has been  
15 released or convicted of a new offense after establishing  
16 residency.

17 "(d) No adult sex offender shall establish or  
18 maintain a residence or any other living accommodation with a  
19 minor. For the purpose of this subsection, living  
20 accommodation includes, but is not limited to, any overnight  
21 visit with a minor. Notwithstanding the foregoing, an adult  
22 sex offender may reside with a minor if the adult sex offender  
23 is the parent, grandparent, stepparent, sibling, or  
24 stepsibling of the minor, unless one of the following  
25 conditions applies:



"(1) Parental rights of the adult sex offender have been or are in the process of being terminated as provided by law.

"(2) The adult sex offender has been convicted of any sex offense in which any of the minor children, grandchildren, stepchildren, siblings, or stepsiblings of the adult sex offender was the victim.

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

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

"(5) The adult sex offender has been convicted of any sex offense involving forcible compulsion in which the victim was a minor.

"(e) Notwithstanding any other provision of law regarding establishment of residence, an adult sex offender shall be deemed to have established a residence in any of the following circumstances:

"(1) Wherever an adult sex offender resides for three or more consecutive days.

"(2) Wherever an adult sex offender resides following release, regardless of whether the adult sex offender resided at the same location prior to the time of conviction.

"(3) Whenever an adult sex offender spends 10 or more aggregate days at ~~a location~~ any locations during a calendar month other than his or her registered address.

"(4) Whenever an adult sex offender vacates his or her residence or fails to spend three or more consecutive days at his or her residence without previously notifying local law enforcement or obtaining a travel permit pursuant to Section 15-20A-15.

"(f) An adult sex offender is exempt from subsections (a) and (b) during the time an adult sex offender is admitted to a hospital or is incarcerated in a jail, prison, mental health facility, or any other correctional placement facility wherein the adult sex offender is not allowed unsupervised access to the public.

"(g) For the purposes of this section, the 2,000-foot measurement shall be taken in a straight line from nearest property line to nearest property line.

"(h) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-12.

"(a) An adult sex offender who no longer has a fixed residence shall be considered homeless and shall appear in person and report such change in fixed residence to local law enforcement where he or she is located immediately upon such change in fixed residence.

"(b) In addition to complying with the registration and verification requirements pursuant to Section 15-20A-10, a homeless adult sex offender who lacks a fixed residence, or who does not provide an address at a fixed residence at the time of release or registration, shall report in person once every seven days to ~~local~~ law enforcement agency where he or she resides. If the sex offender resides within the city limits of a municipality, he or she shall report to the chief of police. If the adult sex offender resides outside of the city limits of a municipality he or she shall report to the sheriff of the county. The weekly report shall be on a day specified by local law enforcement and shall occur during normal business hours.

"(c) A homeless adult sex offender who lacks a fixed address shall comply with the residence restrictions set forth in Section 15-20A-11.

"(d) (1) Each time a homeless adult sex offender reports under this section, he or she shall provide all of the following information:

"a. Name.

"b. Date of birth.

"c. Social Security number.

"d. A detailed description of the location or locations where he or she has resided during the week.

"e. A list of the locations where he or she plans to reside in the upcoming week with as much specificity as possible.

"(2) The registering agency is not required to obtain the remaining required registration information from the homeless adult sex offender each time he or she reports to the registering agency unless the homeless adult sex offender has any changes to the remaining required registration information.

"(e) If an adult sex offender who was homeless obtains a fixed address in compliance with the provisions of Section 15-20A-11, the adult sex offender shall immediately appear in person to update the information with local law enforcement in each county of residence.

"(f) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-13.

"(a) No adult sex offender shall apply for, accept, or maintain employment or vocation or volunteer at any school, childcare facility, mobile vending business that provides

1 services primarily to children, or any other business or  
 2 organization that provides services primarily to children.

3 "(b) No adult sex offender shall apply for, accept,  
 4 or maintain employment or volunteer for any employment or  
 5 vocation within 2,000 feet of the property on which a school  
 6 or childcare facility is located unless otherwise exempted  
 7 pursuant to Sections 15-20A-24 and 15-20A-25.

8 "(c) No adult sex offender, after having been  
 9 convicted of a sex offense involving a child, shall apply for,  
 10 accept, or maintain employment or vocation or volunteer for  
 11 any employment or vocation within 500 feet of a playground,  
 12 park, athletic field or facility, or any other business or  
 13 facility having a principal purpose of caring for, educating,  
 14 or entertaining minors.

15 "(d) Changes to property within 2,000 feet of an  
 16 adult sex offender's place of employment which occur after an  
 17 adult sex offender accepts employment shall not form the basis  
 18 for finding that an adult sex offender is in violation of this  
 19 section.

20 "(e) It shall be unlawful for the owner or operator  
 21 of any childcare facility or any other organization that  
 22 provides services primarily to children to knowingly employ or  
 23 accept volunteer services from an adult sex offender.

1 "(f) For purposes of this section, the 2,000-foot  
 2 measurement shall be taken in a straight line from nearest  
 3 property line to nearest property line.

4 "(g) Any person who knowingly violates this section  
 5 shall be guilty of a Class C felony.

6 "§15-20A-14.

7 "(a) Any adult sex offender who declares he or she  
 8 is entering the state to establish a residence or who enters  
 9 this state and ~~establishes to establish~~ a residence shall  
 10 immediately appear in person and register all required  
 11 registration information with local law enforcement in the  
 12 county of residence where the adult sex offender intends to  
 13 establish or establishes a residence.

14 "(b) Any adult sex offender who enters this state to  
 15 accept employment, carry on a vocation, or become a student  
 16 and who has not established a residence in this state shall  
 17 immediately appear in person and register all required  
 18 registration information with local law enforcement in the  
 19 county where the adult sex offender accepts employment,  
 20 carries on a vocation, or becomes a student.

21 "(c) Whenever an adult sex offender registers  
 22 pursuant to this section, he or she shall be subject to the  
 23 requirements of this chapter.

24 "(d) Within 30 days of initial registration, the  
 25 adult sex offender shall provide each registering agency with

1 a certified copy of his or her sex offense conviction;  
 2 however, an adult sex offender shall be exempt from this  
 3 subsection if the adult sex offender provides adequate  
 4 documentation that the certified record is no longer available  
 5 or has been destroyed.

6 "(e) Any person who knowingly violates this section  
 7 shall be guilty of a Class C felony.

8 "\$15-20A-15.

9 "(a) ~~If Prior to~~ an adult sex offender ~~intends to~~  
 10 temporarily ~~be away~~ leaving from his or her county of  
 11 residence for a period of three or more consecutive days, the  
 12 adult sex offender shall report such information in person  
 13 immediately prior to leaving his or her county of residence  
 14 for such travel to ~~local law enforcement~~ the sheriff in each  
 15 county of residence.

16 "(b) The adult sex offender shall complete a travel  
 17 permit form immediately prior to travel and provide the dates  
 18 of travel and temporary lodging information.

19 "(c) If a sex offender intends to travel to another  
 20 country, he or she shall report in person ~~local law~~  
 21 ~~enforcement~~ the sheriff in each county of residence at least  
 22 21 days prior to such travel. Any information reported to  
 23 ~~local law enforcement~~ the sheriff in each county of residence  
 24 shall immediately be reported to the United States Marshals

1 Service and the ~~Department of Public Safety~~ Alabama State Law  
 2 Enforcement Agency.

3 "(d) The travel permit shall explain the duties of  
 4 the adult sex offender regarding travel. The adult sex  
 5 offender shall sign the travel permit stating that he or she  
 6 understands the duties required of him or her. If the adult  
 7 sex offender refuses to sign the travel permit form, the  
 8 travel permit shall be denied.

9 "(e) The sheriff in each county of residence shall  
 10 immediately notify local law enforcement in the county or the  
 11 jurisdiction to which the adult sex offender will be  
 12 traveling.

13 "(f) Upon return to the county of residence, the  
 14 adult sex offender shall immediately report to ~~local law~~  
 15 ~~enforcement~~ the sheriff in each county of residence.

16 "(g) All travel permits shall be included with the  
 17 adult sex offender's required registration information.

18 "(h) Any person who knowingly violates this section  
 19 shall be guilty of a Class C felony.

20 "\$15-20A-16.

21 "(a) No adult sex offender shall contact, directly  
 22 or indirectly, in person or through others, by phone, mail, or  
 23 electronic means, any former victim. No sex offender shall  
 24 make any harassing communication, directly or indirectly, in

1 person or through others, by phone, mail, or electronic means  
2 to the victim or any immediate family member of the victim.

3 "(b) No adult sex offender shall knowingly come  
4 within 100 feet of a former victim.

5 "(c) Notwithstanding subsections (a) and (b), a  
6 petition to exclude an adult sex offender from the  
7 requirements of this section and Section 15-20A-11(b) may be  
8 filed in accordance with the requirements of Section  
9 15-20A-24(c). The court shall conduct a hearing and may  
10 exclude an adult sex offender from the provisions of this  
11 section provided that:

12 "(1) The victim appears in court at the time of the  
13 hearing and requests the exemption in writing.

14 "(2) The victim is over the age of 19 at the time of  
15 the request.

16 "(3) The sex offense is an offense included in  
17 Sections 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67, of if the  
18 crime was committed in this state or any other jurisdiction  
19 which, if had been committed in this state under the current  
20 provisions of law, would constitute an offense listed in  
21 Sections 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67.

22 "(4) The district attorney or prosecuting attorney  
23 shall be notified of the hearing and shall have the right to  
24 be present and heard.

1 "(d) Notwithstanding any state or local law or rule  
2 assigning costs and fees for filing and processing civil and  
3 criminal cases a petition filed shall be assessed a filing fee  
4 in the amount of two hundred dollars (\$200) to be distributed  
5 as provided in Section 15-20A-46.

6 "~~(c)~~(e) Any person who knowingly violates this  
7 section shall be guilty of a Class C felony.

8 "\$15-20A-17.

9 "(a)(1) No adult sex offender, after having been  
10 convicted of a sex offense involving a minor, shall loiter on  
11 or within 500 feet of the property line of any property on  
12 which there is a school, childcare facility, playground, park,  
13 athletic field or facility, school bus stop, college or  
14 university, or any other business or facility having a  
15 principal purpose of caring for, educating, or entertaining  
16 minors.

17 "(2) Under this subsection, loiter means to enter or  
18 remain on property while having no legitimate purpose or, if a  
19 legitimate purpose exists, remaining on that property beyond  
20 the time necessary to fulfill that purpose. An adult sex  
21 offender does not violate this subsection unless he or she has  
22 first been asked to leave a prohibited location by a person  
23 authorized to exclude the adult sex offender from the  
24 premises. An authorized person includes, but is not limited  
25 to, any law enforcement officer, security officer, any owner

1 or manager of the premises, a principal, teacher, or school  
 2 bus driver if the premises is a school, childcare facility, or  
 3 bus stop, a coach, if the premises is an athletic field or  
 4 facility, or any person designated with that authority.

5 "(3) For purposes of this subsection, a school bus  
 6 stop is any location where a motor vehicle owned or operated  
 7 by or on behalf of a public or private school stops on a  
 8 regular basis for the purpose of transporting children to and  
 9 from school.

10 "(b)(1) No adult sex offender, after having been  
 11 convicted of a sex offense involving a minor, shall enter onto  
 12 the property of a K-12 school while school is in session or  
 13 attend any K-12 school activity unless the adult sex offender  
 14 does all of the following:

15 "a. Notifies the principal of the school, or his or  
 16 her designee, before entering onto the property or attending  
 17 the K-12 school activity.

18 "b. Immediately reports to the principal of the  
 19 school, or his or her designee, upon entering the property or  
 20 arriving at the K-12 school activity.

21 "c. Complies with any procedures established by the  
 22 school to monitor the whereabouts of the sex offender for the  
 23 duration of his or her presence on the school property or  
 24 attendance at the K-12 school activity. For a public K-12

1 school, the local school board shall adopt a policy to  
 2 effectuate this section.

3 "(2) Procedures established to effectuate this  
 4 subsection are limited to rules that allow the principal of  
 5 the school, or his or her designee, to discreetly monitor the  
 6 adult sex offender.

7 "(3) For the purposes of this subsection, a K-12  
 8 school activity is an activity sponsored by a school in which  
 9 students in grades K-12 are the primary intended participants  
 10 or for whom students in grades K-12 are the primary intended  
 11 audience including, but not limited to, school instructional  
 12 time, after school care, after school tutoring, athletic  
 13 events, field trips, school plays, or assemblies.

14 "(c) Any person who knowingly violates subsection  
 15 (a) or subsection (b) shall be guilty of a Class C felony.

16 "§15-20A-18.

17 "(a) Every adult sex offender who is a resident of  
 18 this state shall obtain, and always have in his or her  
 19 possession, a valid driver license or identification card  
 20 issued by the Department of Public Safety Alabama State Law  
 21 Enforcement Agency. If any adult sex offender is ineligible to  
 22 be issued a driver license or official identification card,  
 23 the Department of Public Safety Alabama State Law Enforcement  
 24 Agency shall provide the adult sex offender some other form of  
 25 identification card or documentation that, if it is kept in

the possession of the adult sex offender, shall satisfy the requirements of this section. If any adult sex offender is determined to be indigent, an identification card, or other form of identification or documentation that satisfies the requirements of this section, shall be issued to the adult sex offender at no cost. Indigence shall be determined by order of the court prior to each issuance of a driver license or identification card.

"(b) The adult sex offender shall immediately obtain a valid driver license or identification card upon bearing a designation that enables law enforcement officers to identify the licensee as a sex offender within 14 days of his or her initial registration following release, initial registration upon entering the state to become a resident, or immediately following his or her next registration after July 1, 2011.

"(c) Whenever the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency issues or renews a driver license or identification card to an adult sex offender, the driver license or identification card shall bear a designation that enables law enforcement officers to identify the licensee as a sex offender.

"(d) Upon obtaining or renewing a driver license or identification card bearing a designation that enables law enforcement officers to identify the licensee as a sex offender, the adult sex offender shall relinquish to the

~~Department of Public Safety~~ Alabama State Law Enforcement Agency any other driver license or identification card previously issued to him or her which does not bear any designation enabling law enforcement officers to identify the licensee as a sex offender.

"(e) No adult sex offender shall mutilate, mar, change, reproduce, alter, deface, disfigure, or otherwise change the form of any driver license or identification card which is issued to the adult sex offender and which bears any designation enabling law enforcement officers to identify the licensee as a sex offender. An adult sex offender having in his or her possession a driver license or identification card issued to him or her by the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency bearing any designation enabling law enforcement officers to identify the licensee as a sex offender which has been mutilated, marred, changed, reproduced, altered, defaced, disfigured, or otherwise changed shall be prima facie evidence that he or she has violated this section.

"(f) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-20.

"(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

1 and that can produce upon request reports or records of the  
 2 person's presence near or within a crime scene or prohibited  
 3 area, the person's departure from specified geographic  
 4 limitations, or curfew violations by the offender. The  
 5 Director of the Criminal Justice Information Center may  
 6 promulgate any rules as are necessary to implement and  
 7 administer this system of active electronic monitoring  
 8 including establishing policies and procedures to notify the  
 9 person's probation and parole officer or other court-appointed  
 10 supervising authority when a violation of his or her  
 11 electronic monitoring restrictions has occurred.

12 "(b) The Board of Pardons and Paroles or a court may  
 13 require, as a condition of release on parole, probation,  
 14 community corrections, court referral officer supervision,  
 15 pretrial release, or any other community-based punishment  
 16 option, that any person charged or convicted of a sex offense  
 17 be subject to electronic monitoring as provided in subsection  
 18 (a).

19 "(c) Any person designated a sexually violent  
 20 predator pursuant to Section 15-20A-19, upon release from  
 21 incarceration, shall be subject to electronic monitoring  
 22 supervised by the Board of Pardons and Paroles, as provided in  
 23 subsection (a), for a period of no less than 10 years from the  
 24 date of the sexually violent predator's release. This  
 25 requirement shall be imposed by the sentencing court as a part

1 of the sentence of the sexually violent predator in accordance  
 2 with subsection (c) of Section 13A-5-6.

3 "(d) Any person convicted of a Class A felony sex  
 4 offense involving a child as defined in Section 15-20A-4, upon  
 5 release from incarceration, shall be subject to electronic  
 6 monitoring supervised by the Board of Pardons and Paroles, as  
 7 provided in subsection (a), for a period of no less than 10  
 8 years from the date of the sex offender's release. This  
 9 requirement shall be imposed by the sentencing court as a part  
 10 of the sex offender's sentence in accordance with subsection  
 11 (c) of Section 13A-5-6.

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

20 "(f) The supervising entity shall pay the Criminal  
 21 Justice Information Center a fee, to be determined by the  
 22 center, but not exceeding ten dollars (\$10) per day, to defray  
 23 monitoring equipment and telecommunications costs.

24 "(g) It shall constitute a Class C felony for any  
 25 person to knowingly alter, disable, deactivate, tamper with,



1 remove, damage, or destroy any device used to facilitate  
 2 electronic monitoring under this section.

3 "(h) The procurement of any product or services  
 4 necessary for compliance with Act 2005-301, including any  
 5 system of electronic monitoring, any equipment, and the  
 6 building of a website, shall be subject to the competitive bid  
 7 process.

8 "§15-20A-21.

9 "(a) Immediately upon the release of an adult sex  
 10 offender or immediately upon notice of where the adult sex  
 11 offender plans to establish, or has established a residence,  
 12 the following procedures shall apply:

13 "(1) In the Cities of Birmingham, Mobile,  
 14 Huntsville, and Montgomery, the chief of police shall notify  
 15 all persons who have a legal residence within 1,000 feet of  
 16 the declared residence of the adult sex offender and all  
 17 schools and childcare facilities within three miles of the  
 18 declared residence of the adult sex offender that the adult  
 19 sex offender will be establishing or has established his or  
 20 her residence.

21 "(2) In all other cities in Alabama with a resident  
 22 population of 5,000 or more, the chief of police, or if none,  
 23 then the sheriff of the county, shall notify all persons who  
 24 have a legal residence within 1,500 feet of the declared  
 25 residence of the adult sex offender and all schools and

1 childcare facilities within three miles of the declared  
 2 residence of the adult sex offender that the adult sex  
 3 offender will be establishing or has established his or her  
 4 residence.

5 "(3) In all other municipalities with a resident  
 6 population of less than 5,000, and in all unincorporated  
 7 areas, the sheriff of the county in which the adult sex  
 8 offender intends to reside shall notify all persons who have a  
 9 legal residence within 2,000 feet of the declared residence of  
 10 the adult sex offender and all schools and childcare  
 11 facilities within three miles of the declared residence of the  
 12 adult sex offender that the adult sex offender will be  
 13 establishing or has established his or her residence.

14 "(b) A community notification flyer shall be made by  
 15 regular mail or hand delivered to all legal residences  
 16 required by this section and include registration information  
 17 pursuant to Section 15-20A-8. In addition, any other method  
 18 reasonably expected to provide notification may be utilized,  
 19 including, but not limited to, posting a copy of the notice in  
 20 a prominent place at the office of the sheriff and at the  
 21 police station closest to the declared residence of the  
 22 released adult sex offender, publicizing the notice in a local  
 23 newspaper, posting electronically, including the Internet, or  
 24 other means available.

"(c) Nothing in this chapter shall be construed as prohibiting the ~~Director~~ Secretary of the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency, a sheriff, or a chief of police from providing community notification under the provisions of this chapter by regular mail, electronically, or by publication or periodically to persons whose legal residence is within the guidelines of this chapter or more than the applicable distance from the residence of an adult sex offender.

"(d) When an adult sex offender declares that he or she is homeless, notification shall be provided by posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released adult sex offender, publicizing the notice in a local newspaper, or posting the notice electronically, including the Internet or other means available.

"§15-20A-22.

"(a) An adult sex offender shall pay a registration fee in the amount of ten dollars (\$10) to each registering agency where the adult sex offender resides beginning with the first quarterly registration on or after July 1, 2011, and at each quarterly registration thereafter.

"(b) Each time an adult sex offender terminates his or her residence and establishes a new residence, he or she

shall pay a registration fee in the amount of ten dollars (\$10) to each registering agency where the adult sex offender establishes a new residence.

"(c) If, at the time of registration, the adult sex offender is unable to pay the registration fee, the registering agency may require the adult sex offender to pay the fee in installments not to exceed 90 days. The registering agency shall waive the registration fee if the adult sex offender has an order from the court declaring his or her indigence. In the event the adult sex offender is determined to be indigent, a periodic review of the adult sex offender's indigent status shall be conducted by the court to determine if the offender is no longer indigent. Further, if the offender is determined to be indigent by the sentencing court, nothing in this chapter shall prohibit the offender from being placed on a payment plan where the entire fee is collected in total.

"(d) (1) The fees collected under this section shall be appropriated to the registering agency to defray the costs of associated with sex offender registration, verification, and notification.

"(2) Any and all registration fees collected by the sheriff, or his or her designee, shall be deposited in the county general fund earmarked for use of the sheriff and shall be paid to the sheriff upon his or her request to be used at

1 the discretion of the sheriff for any law enforcement purpose  
 2 related to sex offender registration, notification, tracking  
 3 or apprehension.

4 "(3) The monies provided in this section and the use  
 5 of the funds shall in no way diminish or take the place of any  
 6 other reimbursement or other source of income established for  
 7 the sheriff or the operation of his or her office.

8 "(4) Any and all registration fees collected by a  
 9 chief of police, or his or her designee, shall be deposited  
 10 into the municipal general fund and made available to the  
 11 affected law enforcement agency or department upon requisition  
 12 of the chief law enforcement official of such agency or  
 13 department and shall be used for any lawful purpose related to  
 14 sex offender registration, notification, tracking or  
 15 apprehension.

16 "(5) The monies provided in this section and the use  
 17 of the funds shall in no way diminish or take the place of any  
 18 other reimbursement or other source of income established for  
 19 the chief of police or the operation of his or her office.

20 "(e) Any person who willfully fails to pay the  
 21 required registration fee at the time of registration, or at  
 22 the time at which the installment payment is due, shall be  
 23 guilty of a Class B misdemeanor. Upon a second or subsequent  
 24 conviction for willful failure to pay the required

1 registration fee, the adult sex offender shall be guilty of a  
 2 Class A misdemeanor.

3 "\$15-20A-23.

4 "(a) A sex offender required to register under this  
 5 chapter may petition the court for relief from the residency  
 6 restriction pursuant to subsection (a) of Section 15-20A-11  
 7 during the time a sex offender is terminally ill or  
 8 permanently immobile, or the sex offender has a debilitating  
 9 medical condition requiring substantial care or supervision or  
 10 requires placement in a residential health care facility.

11 "(b) A petition for relief pursuant to this section  
 12 shall be filed in the civil division of the circuit court of  
 13 the county in which the sex offender seeks relief from the  
 14 residency restriction.

15 "(c) The sex offender shall serve a copy of the  
 16 petition by certified mail on all of the following:

17 "(1) The prosecuting attorney in the county of  
 18 adjudication or conviction, if the sex offender was  
 19 adjudicated or convicted in this state.

20 "(2) The prosecuting attorney of the county where  
 21 the sex offender seeks relief from the residency restriction.

22 "(3) Local law enforcement where the sex offender  
 23 was adjudicated or convicted if the sex offender was  
 24 adjudicated or convicted in this state.

1           "(4) Local law enforcement where the adult sex  
2 offender seeks relief from the residency restriction.

3           "(d) The petition and documentation to support the  
4 request for relief shall include all of the following:

5           "(1) A certified copy of the adjudication or  
6 conviction requiring registration, including a detailed  
7 description of the sex offense.

8           "(2) A list of each county, municipality, and  
9 jurisdiction where the sex offender is required to register or  
10 has ever been required to register.

11           "(3) The sex offender's criminal record and an  
12 affidavit stating that the sex offender has no pending  
13 criminal charges.

14           "(4) Notarized documentation of the sex offender's  
15 condition by his or her medical provider.

16           "(5) A release allowing the prosecuting attorney or  
17 the court to obtain any other medical records or documentation  
18 relevant to the petition.

19           "(6) Any other information requested by the court  
20 relevant to the petition.

21           "(e) Upon notification of the petition, the  
22 prosecuting attorney shall make reasonable efforts to notify  
23 the victim of the crime for which the sex offender is required  
24 to register of the petition and the dates and times of any  
25 hearings or other proceedings in connection with the petition.

1           "(f) The court shall hold a hearing within 30 days  
2 of the filing of the petition. Upon request of the prosecuting  
3 attorney, and for good cause shown, the hearing may be  
4 continued to allow the prosecuting attorney to obtain any  
5 relevant records pertinent to the hearing. At the hearing the  
6 prosecuting attorney and the victim shall have the opportunity  
7 to be heard.

8           "(g) The court may issue an order releasing the sex  
9 offender from ~~any~~ of the residency restrictions pursuant to  
10 subsection (a) of Section 15-20A-11 if the court finds by  
11 clear and convincing evidence that the sex offender does not  
12 pose a substantial risk of perpetrating any future dangerous  
13 sexual offense or that the sex offender is not likely to  
14 reoffend. The court may relieve a sex offender from any  
15 residency restrictions indefinitely or for a specific period  
16 of time.

17           "(h) The court shall send a copy of any order  
18 releasing a sex offender from ~~any~~ residency restrictions  
19 pursuant to subsection (a) of Section 15-20A-11 to the  
20 prosecuting attorney and the ~~Department of Public Safety~~  
21 Alabama State Law Enforcement Agency.

22           "(i) If the court finds that the sex offender still  
23 poses a risk, has provided false or misleading information in  
24 support of the petition, or failed to serve the petition and

supporting documentation upon the parties as provided for in subsection (c), then the petition shall be denied.

"(j) If the petition for release is denied, the sex offender may not file a subsequent petition for at least 12 months from the date of the final order on the previous petition unless good cause is shown and the sex offender's mental or physical condition has severely changed.

"(k) If at any time the sex offender is no longer terminally ill, or permanently immobile, or no longer suffers from a debilitating medical condition requiring substantial care or supervision or no longer requires placement in a residential health care facility, the sex offender shall immediately register in person with local law enforcement in each county of residence and update all required registration information.

"(l) No sex offender petitioning the court under this section for an order terminating the sex offender's obligation to comply with the residency restrictions is entitled to publicly funded experts or publicly funded witnesses.

"(m) The state may petition the court to reinstate the restrictions pursuant to subsection (a) of Section 15-20A-11 for good cause shown.

"(n) Notwithstanding any state or local rule assigning costs and fees for filing and processing civil and

criminal cases, a petition ~~filed 30 or more days after~~ sentencing shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 15-20A-46.

"(o) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this chapter shall not be stayed pending a ruling of the court.

"(p) A person who knowingly provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

"§15-20A-24.

"(a) At disposition, sentencing, upon completion of probation, or upon completion of a term of registration ordered by the sentencing court, a sex offender may petition the ~~sentencing~~ court for relief from registration and notification resulting from any of the following offenses, provided that he or she meets the requirements set forth in subsection (b):

"(1) Rape in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-62.

"(2) Sodomy in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-64.

"(3) Sexual abuse in the second degree, as provided by subdivision (2) of subsection (a) of Section 13A-6-67.

"(4) Sexual misconduct, as provided by Section 13A-6-65.

"(5) Any crime committed in this state or any other jurisdiction which, if had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (4), inclusive.

"(6) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (5), inclusive.

"(b) The sex offender shall prove by clear and convincing evidence all of the following to be eligible for relief under this section:

"(1) The sex offense did not involve force and was only a crime due to the age of the victim.

"(2) At the time of the commission of the sex offense, the victim was 13 years of age or older.

"(3) At the time of the commission of the sex offense, the sex offender was ~~not more than~~ less four than five years older than the victim.

"(c) ~~The~~ If the petition for relief is filed after sentencing or disposition, the petition for relief shall be filed as follows:

"(1) If the adult or youthful offender sex offender was adjudicated or convicted in this state, the petition for relief shall be filed in the ~~sentencing court~~ civil division

of the circuit court where the adult or youthful offender sex offender was adjudicated or convicted.

"(2) If the adult or youthful offender sex offender was adjudicated or convicted in a jurisdiction outside of this state, the petition for relief shall be filed in the ~~appropriate court of this state with similar jurisdiction~~ civil division of the circuit court in the county in which the adult or youthful offender sex offender resides.

"(3) If the juvenile sex offender was adjudicated in this state, the petition for relief shall be filed in the juvenile court.

"(4) If the juvenile sex offender was adjudicated in a jurisdiction outside of this state, the petition for relief shall be filed in the juvenile court in the county in which the juvenile sex offender resides.

"(d) (1) The sex offender shall serve a copy of the petition by certified mail on all of the following:

"a. The prosecuting attorney in the county of adjudication or conviction, if the sex offender was adjudicated or convicted in this state.

"b. The prosecuting attorney of the county where the sex offender resides.

"c. Local law enforcement where the sex offender was adjudicated or convicted, if the sex offender was adjudicated or convicted in this state.

1 "d. Local law enforcement where the adult sex  
2 offender resides.

3 "(2) Failure of the sex offender to serve a copy of  
4 the petition as required by this subsection shall result in an  
5 automatic denial of the petition.

6 "(e) The petition and documentation to support the  
7 request for relief shall include all of the following:

8 "(1) The offense that the sex offender was initially  
9 charged with and the offense that the sex offender was  
10 adjudicated or convicted of, if different.

11 "(2) A certified copy of the adjudication or  
12 conviction requiring registration including a detailed  
13 description of the sex offense, if the petition is filed upon  
14 completion of probation or a term of registration.

15 "(3) Proof of the age of the victim and the age of  
16 the sex offender at the time of the commission of the sex  
17 offense.

18 "(4) A list of each registering agency in each  
19 county and jurisdiction in which the sex offender is required  
20 to or has ever been required to register, if the petition is  
21 filed upon completion of probation or a term of registration.

22 "(5) The sex offender's criminal record and an  
23 affidavit stating that the sex offender has no pending  
24 criminal charges.

1 "(6) Any other information requested by the court  
2 relevant to the request for relief.

3 "(f) Upon notification of the petition, the  
4 prosecuting attorney shall make reasonable efforts to notify  
5 the victim of the crime for which the sex offender is required  
6 to register of the petition and the dates and times of any  
7 hearings or other proceedings in connection with the petition.

8 "(g) The court shall hold a hearing prior to ruling  
9 on the petition. At the hearing, the prosecuting attorney and  
10 the victim shall have the opportunity to be heard.

11 "(h) In determining whether to grant relief, the  
12 court may consider any of the following:

13 "(1) Recommendations from the sex offender's  
14 probation officer, including, but not limited to, the  
15 recommendations in the presentence investigation report and  
16 the sex offender's compliance with supervision requirements.

17 "(2) Recommendations from the prosecuting attorney.

18 "(3) Any written or oral testimony submitted by the  
19 victim or the parent, guardian, or custodian of the victim.

20 "(4) The facts and circumstances surrounding the  
21 offense.

22 "(5) The relationship of the parties.

23 "(6) The criminal history of the sex offender.

24 "(7) The protection of society.

"(8) Any other information deemed relevant by the court.

"(i) The court may grant full or partial relief from this chapter. If the court grants relief, the court shall enter an order detailing the relief granted and provide a copy of the order to the prosecuting attorney and the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

"(j) If the court denies the petition, the sex offender may not petition the court again until 12 months after the date of the order denying the petition.

"(k) A sex offender is not eligible for relief under this section if he or she was adjudicated or convicted of a sex offense previous to or subsequent to the offense of which he or she is petitioning the court for relief or has any pending criminal charges for any sex offense.

"(l) If a sex offender was adjudicated or convicted of any of the offenses specified in subsection (a) prior to July 1, 2011, and meets the eligibility requirements specified in subsection (b), except as otherwise provided for in subsection (k), the sex offender may petition the court for relief pursuant to this section.

"(m) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, except when this relief is sought at the time of sentencing or disposition, a petition filed ~~30 or more days~~

~~after sentencing~~ shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 15-20A-46.

"(n) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this chapter shall not be stayed pending a ruling of the court.

"(o) Any person who knowingly provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

"§15-20A-25.

"(a) A sex offender may petition at sentencing, or if after sentencing, a sex offender may file a petition in the civil division of the circuit court in the county where the sex offender seeks to accept or maintain employment for relief from the employment restrictions pursuant to subsection (b) of Section 15-20A-13. A sex offender adjudicated or convicted of any of the following sex offenses shall not be entitled to relief under this section:

"(1) Rape in the first degree, as provided by Section 13A-6-61.

"(2) Sodomy in the first degree, as provided by Section 13A-6-63.

"(3) Sexual abuse in the first degree, as provided by Section 13A-6-66.



"(4) Sex abuse of a child less than 12 years old, as provided by Section 13A-6-69.1.

"(5) Sexual torture, as provided by Section 13A-6-65.1.

"(6) Any sex offense involving a child.

"(7) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (6), inclusive.

"(8) Any offense committed in any other jurisdiction which, if it had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (7), inclusive.

"(b) (1) The sex offender shall serve a copy of the petition by certified mail on all of the following:

"a. The prosecuting attorney in the county of adjudication or conviction, if the sex offender was adjudicated or convicted in this state.

"b. The prosecuting attorney of the county in which the sex offender seeks to accept or maintain employment.

"c. Local law enforcement where the sex offender was adjudicated or convicted, if the sex offender was adjudicated or convicted in this state.

"d. Local law enforcement where the sex offender seeks to accept or maintain employment.

"(2) Failure of the sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

"(c) The petition and documentation to support the petition shall include all of the following:

"(1) A certified copy of the adjudication or conviction requiring registration, including a detailed description of the sex offense, if the petition is filed after sentencing.

"(2) A list of each registering agency in each county and jurisdiction in which the sex offender is required to register or has ever been required to register, if the petition is filed after conviction.

"(3) The sex offender's criminal record and an affidavit stating that the sex offender has no pending criminal charges.

"(4) The location where the sex offender is employed or intends to obtain employment.

"(5) Justification as to why the court should grant relief.

"(6) Any other information requested by the court relevant to the petition.

"(d) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the sex offender is required

1 to register of the petition and the dates and times of any  
2 hearings or other proceedings in connection with the petition.

3 "(e) The court shall hold a hearing prior to ruling  
4 on the petition. At the hearing, the prosecuting attorney and  
5 the victim shall have the opportunity to be heard.

6 "(f) The court may consider any of the following  
7 factors in determining whether to grant relief:

8 "(1) The nature of the offense.

9 "(2) Past criminal history of the sex offender.

10 "(3) The location where the sex offender is employed  
11 or intends to obtain employment.

12 "(4) Any other information deemed relevant by the  
13 court.

14 "(g) If the court grants the petition, the court  
15 shall enter an order detailing the relief granted and provide  
16 a copy of the order to the prosecuting attorney where the  
17 petition was filed and to the ~~Department of Public Safety~~  
18 Alabama State Law Enforcement Agency.

19 "(h) A sex offender is not eligible for relief under  
20 this section if he or she was adjudicated or convicted of a  
21 sex offense previous to or subsequent to the offense of which  
22 he or she is petitioning the court for relief or has any  
23 pending criminal charges for any sex offense.

1 "(i) The state may petition the court to reinstate  
2 the restrictions pursuant to subsection (b) of Section  
3 15-20A-13 for good cause shown.

4 "(j) Notwithstanding any state or local law or rule  
5 assigning costs and fees for filing and processing civil and  
6 criminal cases, except when this relief is sought at the time  
7 of sentencing, a petition filed ~~30 or more days after~~  
8 ~~sentencing~~ shall be assessed a filing fee in the amount of two  
9 hundred dollars (\$200) to be distributed as provided in  
10 Section 15-20A-46.

11 "(k) If a sex offender seeks relief from the court  
12 pursuant to this section, the enforcement of this chapter  
13 shall not be stayed pending a ruling of the court.

14 "(l) A person who knowingly provides false or  
15 misleading information pursuant to this section shall be  
16 guilty of a Class C felony.

17 "\$15-20A-26.

18 "(a) Upon adjudication of delinquency for a sex  
19 offense, a juvenile sex offender shall be required to receive  
20 sex offender treatment by a sex offender treatment program or  
21 provider approved by the Department of Youth Services.

22 "(b) Upon completion of sex offender treatment, the  
23 juvenile sex offender shall be required to undergo a sex  
24 offender risk assessment. The treatment provider shall provide  
25 a copy of the risk assessment to the sentencing court, the

1 prosecuting attorney, and the juvenile probation officer  
 2 office not less than 60 days prior to the projected release of  
 3 the juvenile sex offender from a facility where the juvenile  
 4 sex offender does not have unsupervised access to the public  
 5 or immediately upon completion of the risk assessment if the  
 6 juvenile sex offender is not in a facility where the juvenile  
 7 sex offender does not have unsupervised access to the public.

8 "(c) Upon receiving the risk assessment, the  
 9 juvenile probation officer office shall immediately notify  
 10 provide a copy of the risk assessment to the state and either  
 11 the attorney for the juvenile sex offender and either or the  
 12 parent, guardian, or custodian of the juvenile sex offender of  
 13 the pending release of the juvenile sex offender and provide  
 14 them with a copy of the risk assessment. In addition, the  
 15 juvenile probation office shall immediately notify the  
 16 attorney for the juvenile sex offender and either the parent,  
 17 guardian, or custodian of the pending release of the juvenile  
 18 sex offender from a facility where the juvenile sex offender  
 19 does not have unsupervised access to the public.

20 "(d) Within 60 days of receiving the risk  
 21 assessment, the court shall conduct a hearing to determine the  
 22 risk of the juvenile sex offender to the community and the  
 23 level of notification that shall apply.

24 "(e) No juvenile sex offender shall be removed from  
 25 the supervision of the sentencing court until such time as the

1 juvenile sex offender has completed treatment, the treatment  
 2 provider has filed a risk assessment with the sentencing  
 3 court, and the sentencing court has conducted a hearing to  
 4 determine the risk of the juvenile sex offender to the  
 5 community and the level of notification that shall apply.

6 "\$15-20A-28.

7 "(a) A juvenile adjudicated delinquent of any of the  
 8 following sex offenses, who was 14 or older at the time of the  
 9 offense, shall be subject to registration and notification, if  
 10 applicable, for life:

11 "(1) Rape in the first degree, as provided by  
 12 Section 13A-6-61.

13 "(2) Sodomy in the first degree, as provided by  
 14 Section 13A-6-63.

15 "(3) Sexual abuse in the first degree, as provided  
 16 by Section 13A-6-66.

17 "(4) Sexual torture, as provided by Section  
 18 13A-6-65.1.

19 "(5) Any offense committed in any other jurisdiction  
 20 which, if had been committed in this state under the current  
 21 provisions of law, would constitute an offense listed in  
 22 subdivisions (1) to (4), inclusive.

23 "(6) Any offense, committed in this state or any  
 24 other jurisdiction, comparable to or more severe than

aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or (b).

"(7) Any attempt or conspiracy to commit any of the offenses listed in subdivisions (1) to (6), inclusive.

"(b) A juvenile sex offender subject to lifetime registration may petition the sentencing juvenile court for relief from registration and notification, if notification was ordered, 25 years after the juvenile sex offender is released from the offense subjecting the juvenile sex offender to registration in accordance with this chapter, pursuant to Section 15-20A-34.

"(c) A juvenile sex offender who ~~has been adjudicated delinquent of any sex offense, excluding those listed in~~ is not subject to lifetime registration pursuant to subsection (a), shall be subject to this chapter for a period of 10 years from the last date of release from the offense subjecting the juvenile sex offender to registration in accordance with this chapter.

"(d) If a juvenile sex offender required to register under this chapter is civilly committed, hospitalized, or re-incarcerated for another offense or, as the result of having violated the terms of probation, parole, or aftercare, fails to register or fails to comply with the requirements of this act, the registration requirements and the remaining period of time for which the juvenile sex offender shall

register shall be tolled during the period of commitment, hospitalization, re-incarceration, or noncompliance.

"(e) The sentencing court or the juvenile court where the juvenile sex offender resides, if the juvenile sex offender's adjudication of delinquency occurred in another jurisdiction, may give a juvenile sex offender credit for the time the juvenile sex offender was registered in another jurisdiction.

"(f) A juvenile sex offender who is subsequently adjudicated as a youthful offender sex offender or convicted of another sex offense during his or her registration period shall be considered solely an adult sex offender.

"§15-20A-27.

"(a) In determining whether to apply notification requirements to a juvenile sex offender, the sentencing court shall consider any of the following factors relevant to the risk of re-offense:

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

1           "(2) Physical conditions that minimize the risk of  
2 re-offense, including, but not limited to, advanced age or  
3 debilitating illness.

4           "(3) Criminal history factors indicative of high  
5 risk of re-offense, including whether the conduct of the  
6 juvenile sex offender was found to be characterized by  
7 repetitive and compulsive behavior.

8           "(4) Whether psychological or psychiatric profiles  
9 indicate a risk of recidivism.

10          "(5) The relationship between the juvenile sex  
11 offender and the victim.

12          "(6) The particular facts and circumstances  
13 surrounding the offense.

14          "(7) The level of planning and participation in the  
15 offense.

16          "(8) Whether the offense involved the use of a  
17 weapon, violence, or infliction of serious bodily injury.

18          "(9) The number, date, and nature of prior offenses.

19          "(10) The response to treatment of the juvenile sex  
20 offender.

21          "(11) Recent behavior, including behavior while  
22 confined or while under supervision in the community.

23          "(12) Recent threats against persons or expressions  
24 of intent to commit additional crimes.

25          "(13) The protection of society.

1           "(14) Any other factors deemed relevant by the  
2 court.

3           "(b) If the sentencing court determines that the  
4 juvenile sex offender shall be subject to notification, the  
5 level of notification shall be applied as follows:

6           "(1) If the risk of re-offense is low, notification  
7 that the juvenile sex offender will be establishing or has  
8 established his or her residence shall be provided by local  
9 law enforcement to the principal of the school where the  
10 juvenile sex offender will attend after release. This  
11 notification shall include the name, actual living address,  
12 date of birth of the juvenile sex offender, and a statement of  
13 the sex offense for which he or she has been adjudicated  
14 delinquent, including the age and gender of the victim. This  
15 information shall be considered confidential by the school and  
16 be shared only with the teachers and staff with supervision  
17 over the juvenile sex offender. Whomever, except as  
18 specifically provided herein, directly or indirectly discloses  
19 or makes use of or knowingly permits the use of information  
20 concerning a juvenile sex offender described in this section,  
21 upon conviction thereof, shall be guilty of a Class A  
22 misdemeanor within the jurisdiction of the juvenile court.

23           "(2) If the risk of re-offense is moderate,  
24 notification that the juvenile sex offender will be  
25 establishing, or has established, his or her residence shall

1 be provided by local law enforcement to all schools and  
 2 childcare facilities within three miles of the declared  
 3 residence of the juvenile sex offender. A community  
 4 notification flyer shall be mailed by regular mail or hand  
 5 delivered to all schools or childcare facilities as required  
 6 by this subsection. No other method may be used to disseminate  
 7 this information.

8 "(3) If the risk of re-offense is high, the public  
 9 shall receive notification as though the juvenile sex offender  
 10 were an adult sex offender in accordance with Section  
 11 15-20A-21.

12 "(c) The sentencing court shall enter an order  
 13 stating whether the juvenile sex offender shall be subject to  
 14 notification and the level of notification that shall be  
 15 applied. The court shall provide a copy of the order to the  
 16 prosecuting attorney and to the ~~Department of Public Safety~~  
 17 Alabama State Law Enforcement Agency.

18 "(d) The determination of notification by the  
 19 sentencing court shall not be subject to appeal.

20 "\$15-20A-29.

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

23 "(1) ~~The responsible agency shall require the~~  
 24 juvenile sex offender and the parent, custodian, or guardian

1 of the juvenile sex offender shall provide the required  
 2 registration information to the responsible agency.

3 "(2) If the juvenile sex offender or the parent,  
 4 guardian, or custodian of the juvenile sex offender declares a  
 5 residence outside of the state, the responsible agency shall  
 6 immediately notify the ~~Department of Public Safety~~ Alabama  
 7 State Law Enforcement Agency and the designated state law  
 8 enforcement agency of the state to which the juvenile sex  
 9 offender or the parent, guardian, or custodian of the juvenile  
 10 sex offender has declared the residence. The notification  
 11 shall include all information available to the responsible  
 12 agency that would be necessary to identify and trace the  
 13 juvenile sex offender, including, but not limited to, the risk  
 14 assessment and a current photograph of the juvenile sex  
 15 offender.

16 "(3) If the juvenile sex offender or the parent,  
 17 guardian, or custodian of the juvenile sex offender declares a  
 18 residence within this state, the responsible agency shall  
 19 immediately notify the ~~Department of Public Safety~~ Alabama  
 20 State Law Enforcement Agency, and local law enforcement in  
 21 each county, in which the juvenile sex offender or the parent,  
 22 guardian, or custodian of the juvenile sex offender has  
 23 declared the residence. The notification shall include all  
 24 information available to the responsible agency that would be  
 25 necessary to identify and trace the juvenile sex offender,

including, but not limited to, the risk assessment and a current photograph of the juvenile sex offender.

"(b) When a juvenile sex offender becomes the age of majority, the parent, guardian, or custodian of the juvenile sex offender shall no longer be subject to this section and the juvenile sex offender shall instead be solely responsible for all requirements pursuant to this section.

"(c) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-30.

"(a) Immediately upon release or immediately upon adjudication of delinquency if the juvenile sex offender is not committed, the juvenile sex offender and the parent, custodian, or guardian shall register all required registration information with local law enforcement in each county in which the juvenile sex offender resides or intends to reside.

"(b) Whenever a juvenile sex offender establishes a new residence, the juvenile sex offender and the parent, custodian, or guardian of the juvenile sex offender shall immediately appear in person to register all required registration information with local law enforcement in each county of residence.

"(c) If the parent, custodian, or guardian of a juvenile sex offender transfers or terminates the residence of

the juvenile sex offender, or the custody of the juvenile sex offender is changed to a different parent, custodian, or guardian resulting in a transfer of residence, the original parent, custodian, or guardian with custody shall immediately notify local law enforcement in each county of residence.

"(d) Whenever a juvenile sex offender changes any required registration information, the juvenile sex offender and the parent, custodian, or guardian of the juvenile sex offender shall immediately appear in person to update the required registration information with local law enforcement in each county in which the juvenile sex offender resides.

"(e) A juvenile sex offender required to register for life pursuant to Section 15-20A-28 shall appear in person with his or her parent, custodian, or guardian to verify all required registration information during the birth month of the juvenile sex offender and every three months thereafter with the local law enforcement in each county of residence unless the juvenile sex offender has been relieved from registration requirements pursuant to Section 15-20A-34.

"(f) A juvenile sex offender required to register for 10 years pursuant to Section 15-20A-28 shall appear in person with his or her parent, custodian, or guardian to verify all required registration information during the birth month of the juvenile sex offender and every year thereafter with local law enforcement in each county of residence unless

1 the juvenile sex offender has been relieved from registration  
 2 requirements pursuant to Section 15-20A-24.

3 "(g) At the time of registration, the juvenile sex  
 4 offender shall be provided a form explaining all duties and  
 5 any restrictions placed on the juvenile sex offender. The  
 6 juvenile sex offender and the parent, custodian, or guardian  
 7 of the juvenile sex offender shall read and sign this form  
 8 stating that he or she understands the duties and restrictions  
 9 placed on the juvenile sex offender and his or her parent,  
 10 custodian, or guardian.

11 "(h) When a juvenile sex offender becomes the age of  
 12 majority, the parent, custodian, or guardian of the juvenile  
 13 sex offender shall no longer be subject to the requirements of  
 14 this section, and the juvenile sex offender shall instead be  
 15 solely responsible for the requirements in this section.

16 "(i) A person who knowingly violates this section  
 17 shall be guilty of a Class C felony.

18 "§15-20A-31.

19 "(a) During the time a juvenile sex offender is  
 20 subject to the registration requirements of this chapter, the  
 21 juvenile sex offender shall not apply for, accept, or maintain  
 22 employment or vocation, or volunteer for any employment or  
 23 vocation at any school, childcare facility, or any other  
 24 business or organization that provides services primarily to  
 25 children.

1 "(b) It shall be unlawful for the owner or operator  
 2 of any childcare facility or any other organization that  
 3 provides services primarily to children to knowingly employ or  
 4 accept volunteer services from a juvenile sex offender.

5 "(c) Any person who knowingly violates this section  
 6 shall be guilty of a Class C felony.

7 "§15-20A-32.

8 "(a) A juvenile sex offender or youthful offender  
 9 sex offender, or equivalent thereto, who is not currently a  
 10 resident of this state, shall immediately appear in person and  
 11 register all required registration information upon  
 12 establishing a residence, accepting employment, or beginning  
 13 school attendance in this state with local law enforcement in  
 14 each county where the juvenile sex offender or youthful  
 15 offender sex offender resides or intends to reside, accepts  
 16 employment, or begins school attendance.

17 "(b) Within 30 days of initial registration, the  
 18 juvenile sex offender or youthful offender sex offender shall  
 19 provide each registering agency with a certified copy of his  
 20 or her sex offense adjudication; however, a juvenile sex  
 21 offender or youthful offender sex offender shall be exempt  
 22 under this subsection if the court of adjudication seals the  
 23 records and refuses to provide a certified copy or the records  
 24 have been destroyed by the court.



"(c) Whenever a juvenile sex offender enters this state to establish a residence, he or she shall be subject to the requirements of this chapter as it applies to juvenile sex offenders in this state.

"(d) Whenever a youthful offender sex offender, or equivalent thereto, enters this state to establish a residence, he or she shall be subject to the requirements of this chapter as it applies to youthful offender sex offenders in this state.

"(e) A juvenile sex offender or youthful offender sex offender entering this state to accept employment or begin school attendance, but not to establish a residence, must immediately appear in person and register any subsequent changes to the required registration information with local law enforcement in each county where he or she is required to register.

"(f) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-34.

"(a) A juvenile sex offender subject to lifetime registration pursuant to Section 15-20A-28 may file a petition requesting the sentencing juvenile court to enter an order relieving the juvenile sex offender of the requirements pursuant to this chapter 25 years after the juvenile sex offender is released from the custody of the Department of

Youth Services or sentenced, if the juvenile sex offender was placed on probation, for the sex offense requiring registration pursuant to this chapter.

"(b) The petition shall be filed as follows:

"(1) If the juvenile sex offender was adjudicated delinquent of a sex offense in this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender was adjudicated delinquent.

"(2) If the juvenile sex offender was adjudicated delinquent of a sex offense in a jurisdiction outside of this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender resides.

"(c) (1) The juvenile sex offender shall serve a copy of the petition by certified mail on all of the following:

"a. The prosecuting attorney in the county of adjudication, if the juvenile sex offender was adjudicated delinquent in this state.

"b. The prosecuting attorney of the county in which the juvenile sex offender resides.

"c. Local law enforcement where the juvenile sex offender was adjudicated delinquent, if the juvenile sex offender was adjudicated delinquent in this state.

"d. Local law enforcement where the juvenile sex offender resides.

"(2) Failure of the juvenile sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

"(d) The petition and documentation to support the petition shall include all of the following:

"(1) A certified copy of the adjudication of delinquency requiring registration.

"(2) Documentation of the juvenile sex offender's release date or sentencing date if the juvenile sex offender was placed on probation.

"(3) Evidence that the juvenile sex offender has completed a treatment program approved by the Department of Youth Services.

"(4) A list of each county and jurisdiction in which the juvenile sex offender is required to register or has ever been required to register.

"(5) The juvenile sex offender's criminal record and an affidavit stating that the juvenile sex offender has no pending criminal charges.

"(6) Any other information requested by the court relevant to the petition.

"(e) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the offense for which the juvenile sex offender is required to register of the petition and of the dates and

times of any hearings or other proceedings in connection with the petition.

"(f) The court shall hold a hearing prior to ruling on the petition. At the hearing, the prosecuting attorney and the victim shall have the opportunity to be heard.

"(g) The court may consider any of the following factors to determine whether to grant relief:

"(1) Recommendations from the juvenile sex offender's probation officer, including, but not limited to, the recommendations in the predisposition report and the juvenile sex offender's compliance with supervision requirements.

"(2) Recommendations from the juvenile sex offender's treatment provider, including, but not limited to, whether the juvenile sex offender successfully completed a treatment program approved by the Department of Youth Services.

"(3) Recommendations from the prosecuting attorney.

"(4) Any written or oral testimony submitted by the victim or the parent, custodian, or guardian of the victim.

"(5) The facts and circumstances surrounding the offense including, but not limited to, the age and number of victims, whether the act was premeditated, and whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury.

"(6) Any criminal behavior of the juvenile sex offender before and after the adjudication of delinquency that requires reporting.

"(7) The stability of the juvenile sex offender in employment and housing and his or her community and personal support system.

"(8) The protection of society.

"(9) Any other factors deemed relevant by the court.

"(h) If the court is satisfied by clear and convincing evidence that the juvenile sex offender is rehabilitated and does not pose a threat to the safety of the public, the court may grant relief.

"(i) The court shall provide a copy of any order granting relief to the prosecuting attorney and to the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

"(j) Upon receipt of a copy of an order granting relief as provided in this section, the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency shall remove the juvenile sex offender from the public registry website. If the registering agencies maintain a local registry of sex offenders who are registered with their agencies, the registering agencies shall remove the registration information of the juvenile sex offender from the local sex offender public registry, if notification applied.

"(k) If the court denies the petition for relief, the juvenile sex offender shall wait at least 12 months from the date of the order denying the petition before petitioning the court again.

"(l) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, the fee for filing the petition for relief shall be two hundred dollars (\$200) to be distributed as provided in Section 15-20A-46.

"(m) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this chapter shall not be stayed pending a ruling of the court.

"(n) A person who knowingly provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

"§15-20A-35.

"For the purposes of this chapter, a youthful offender sex offender who has not been previously adjudicated or convicted of a sex offense and who has not yet attained the age of 18 at the time of the offense shall be considered a juvenile sex offender. A youthful offender sex offender who has been previously adjudicated or convicted of a sex offense as a juvenile sex offender, youthful offender sex offender, or adult sex offender, or who has attained the age of 18 at the time of the offense shall be treated as an adult sex offender

convicted of a sex offense. A youthful offender sex offender who is treated as a juvenile sex offender for purposes of this chapter may not be released from the jurisdiction of the sentencing court until the youthful offender sex offender has undergone sex offender treatment and a risk assessment as required by Section 15-20A-26.

"§15-20A-36.

"(a) No sex offender shall change his or her name unless the change is incident to a change in the marital status of the sex offender or is necessary to effect the exercise of the religion of the sex offender. Such a change shall be immediately reported to local law enforcement in each county in which the sex offender is required to register. If the sex offender is subject to the notification provisions of this chapter, the reporting of a name change under this section shall invoke notification.

"(b) Any person who knowingly violates this section shall be guilty of a Class C felony.

"§15-20A-37.

"(a) When a sex offender declares, and county is notified that a sex offender intends to reside, be employed, or attend school in the county and the sex offender fails to appear for registration ~~upon entering that county as required,~~ the county that received the notice shall immediately inform

the sheriff of the county that provided the notice that the sex offender failed to appear for registration ~~as required.~~

"(b) When a sex offender fails to register or cannot be located, an effort shall immediately be made by the sheriff in the county in which the sex offender failed to register or is unable to be located to determine whether the sex offender has absconded.

"(c) If no determination can be made as to whether the sex offender has absconded, the sheriff of the county in which the sex offender failed to appear for registration shall immediately notify the ~~Department of Public Safety Alabama~~ State Law Enforcement Agency and the United States Marshals Service that the sex offender cannot be located and provide any information available to determine whether the sex offender absconded to the United States Marshals Service.

"(d) Once a determination is made that the sex offender has absconded, the following shall occur:

"(1) The sheriff of the county in which the sex offender has absconded shall immediately obtain a warrant for the arrest of the sex offender.

"(2) The sheriff of the county in which the sex offender has absconded shall immediately notify the United States Marshals Service and the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

"(3) The ~~Department of Public Safety Alabama State~~  
~~Law Enforcement Agency~~ shall immediately update its public  
 registry website to reflect that the sex offender has  
 absconded.

"(4) The ~~Department of Public Safety Alabama State~~  
~~Law Enforcement Agency~~ shall immediately notify the Criminal  
 Justice Information Center, who shall immediately notify the  
 National Criminal Information Center.

"(5) The ~~Department of Public Safety Alabama State~~  
~~Law Enforcement Agency~~ shall immediately notify the National  
 Sex Offender Registry to reflect that the sex offender has  
 absconded and enter the information into the National Crime  
 Center Wanted Person File.

"(e) A sex offender who knowingly fails to appear  
 for registration after declaring his or her intent to reside,  
 be employed, or attend school in a county without notifying  
 local law enforcement in that county that he or she will no  
 longer establish a residence, maintain employment, or attend  
 school, shall be guilty of a Class C felony.

"§15-20A-38.

"(a) If a sex offender escapes from a state or local  
 correctional facility, juvenile detention facility, or any  
 other facility that would not permit unsupervised access to  
 the public, the responsible agency, within 24 hours, shall  
 notify the ~~Department of Public Safety Alabama State Law~~

Enforcement Agency, local law enforcement who had jurisdiction  
 at the time of adjudication or conviction of the sex offense,  
 the sheriff of the county and each chief of police of every  
 municipality in the county where the sex offender escaped, and  
 the United States Marshals Service.

"(b) The responsible agency shall provide each law  
 enforcement agency listed in subsection (a) with the following  
 information:

"(1) The name and aliases of the sex offender.

"(2) The amount of time remaining to be served by  
 the sex offender.

"(3) The nature of the crime for which the sex  
 offender was incarcerated.

"(4) A copy of the fingerprints and current  
 photograph of the sex offender and a summary of the criminal  
 record of the sex offender.

"§15-20A-39.

"(a) A person is guilty of the crime of harboring,  
 assisting, concealing, or withholding information about a sex  
 offender if the person has knowledge or reason to believe that  
 a sex offender is required to register ~~and has not complied~~  
~~with the registration requirements of this chapter~~ and the  
 person assists the sex offender in avoiding a law enforcement  
 agency that is seeking to find the sex offender to question  
 the sex offender about, or to arrest the sex offender for,

1 noncompliance with the requirements of this chapter if the  
2 person does any of the following:

3 "(1) Harbors, attempts to harbor, or assists another  
4 person in harboring or attempting to harbor the sex offender.

5 "(2) Allows a sex offender to reside at his or her  
6 residence to avoid registration if the address is not the  
7 address the sex offender listed as his or her residence  
8 address.

9 "(3) Warns a sex offender that a law enforcement  
10 agency is attempting to locate the sex offender.

11 "(4) Provides the sex offender with money,  
12 transportation, weapon, disguise, or other means of avoiding  
13 discovery or apprehension.

14 "(5) Conceals, attempts to conceal, or assists  
15 another in concealing or attempting to conceal the sex  
16 offender.

17 "(6) Provides information to a law enforcement  
18 agency regarding a sex offender which the person knows to be  
19 false.

20 "(b) For the purposes of this section, the term law  
21 enforcement agency includes, but is not limited to, the Board  
22 of Pardons and Paroles.

23 "(c) ~~Harboring~~ Knowingly harboring, assisting, or  
24 concealing a sex offender is a Class C felony.

25 "\$15-20A-40.

1 "(a) It is the intent of the Legislature that a  
2 duplicate of a certified copy of a public record be admissible  
3 and is not dependent on the original custodian of record to  
4 gain admissibility. Further, the Legislature finds that the  
5 certification by the clerk of the court and the certification  
6 by the Alabama State Law Enforcement Agency, formerly the  
7 Department of Public Safety, assures reliability and  
8 trustworthiness.

9 "(b) The clerk of the court shall forward a  
10 certified copy of a sex offender's adjudication or conviction  
11 to the Alabama State Law Enforcement Agency, formerly the  
12 Department of Public Safety, within 30 days of ~~sentencing~~  
13 receipt of the order of adjudication or conviction of any of  
14 the offenses listed in Section 15-20A-5.

15 "(c) Any state, county, or municipal law enforcement  
16 agency, the Attorney General, or a district attorney may  
17 request a duplicate of the sex offender's adjudication or  
18 conviction from the Alabama State Law Enforcement Agency,  
19 formerly the Department of Public Safety.

20 "(d) Upon the request of any of the agencies listed  
21 in subsection (c), the custodian of records, or its designee,  
22 of the Alabama State Law Enforcement Agency, formerly the  
23 Department of Public Safety shall immediately certify all of  
24 the following:

"(1) That the Alabama State Law Enforcement Agency, formerly the Department of Public Safety received the certified copy of the sex offender's conviction or adjudication from the clerk of the court pursuant to subsection (b).

"(2) That the original certified copy received from the clerk of the court remains in the possession of the Alabama State Law Enforcement Agency, formerly the Department of Public Safety.

"(3) That no changes or alterations have been made to the original certified copy.

"(e) Upon certification by the Alabama State Law Enforcement Agency, formerly the Department of Public Safety as provided in subsection (d), the Alabama State Law Enforcement Agency, formerly the Department of Public Safety shall immediately forward the certified documents to the requesting agency.

"(f) Notwithstanding any other law or rule of evidence, a certified copy of the record of adjudication or conviction as defined in subsection (b), provided by the Alabama State Law Enforcement Agency, formerly the Department of Public Safety as provided in subsection (d), shall be proof of the sex offender's adjudication or conviction of a sex offense and shall be admissible into evidence, without further proof, in any court in this state.

"(g) For the purpose of this section, the term conviction or adjudication shall mean a final conviction or adjudication, regardless of whether the conviction or adjudication is on appeal.

"(h) Any clerk of a court, who willfully or intentionally fails to report any such conviction or adjudication in his or her court shall be guilty of a Class A misdemeanor.

"§15-20A-42.

"(a) Any jurisdiction or agency responsible for registering a sex offender shall immediately forward all required registration information and any changes to the required registration information received to the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency in a manner determined by the ~~director~~ Secretary of the ~~department~~ Alabama State Law Enforcement Agency and promulgated in rule by the ~~director~~ secretary upon recommendation of an advisory board consisting of representatives of the office of the Attorney General, District Attorneys Association, Chiefs of Police Association, Sheriffs Association, and the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency. The advisory board members shall not receive any compensation or reimbursement for serving on the advisory board.

"(b) Upon notification or discovery of the death of a sex offender, the registering agency shall immediately

1 notify the ~~Department of Public Safety~~ Alabama State Law  
2 Enforcement Agency.

3 "(c) The ~~Department of Public Safety~~ Alabama State  
4 Law Enforcement Agency shall immediately enter all  
5 registration information received into its sex offender  
6 database.

7 "(d) All information received by the ~~Department of~~  
8 Public Safety Alabama State Law Enforcement Agency shall be  
9 immediately forwarded to the following by the ~~Department of~~  
10 Public Safety Alabama State Law Enforcement Agency:

11 "(1) The Alabama Criminal Justice Information  
12 Center, who will in turn provide any information received to  
13 the National Criminal Information Center or any other law  
14 enforcement agency for any lawful criminal justice purpose.

15 "(2) The Sex Offender Registration and Notification  
16 Act Exchange Portal.

17 "(3) The National Sex Offender Registry.

18 "(4) Each county and municipality where the sex  
19 offender resides, is an employee, or is a student.

20 "(5) Each county and municipality from or to which a  
21 change of residence, employment, or student status occurs.

22 "(6) The campus police in each county or  
23 jurisdiction where the sex offender is a student.

1 "(7) The United States Marshals Service, if the sex  
2 offender is terminating residence in a jurisdiction to  
3 relocate to a foreign country.

4 "(8) The Attorney General's Office of Victim  
5 Assistance.

6 "(e) Upon request, all registration information  
7 shall be available to all federal, state, county, and  
8 municipal law enforcement agencies, prosecuting attorneys,  
9 probation officers, and any National Child Protection Act  
10 agencies in electronic form.

11 "(f) No existing state laws, including, but not  
12 limited to, statutes that would otherwise make juvenile and  
13 youthful offender records confidential, shall preclude the  
14 disclosure of any information requested by a responsible  
15 agency, a law enforcement officer, a criminal justice agency,  
16 the Office of the Attorney General, or a prosecuting attorney  
17 for purposes of administering, implementing, or enforcing this  
18 chapter.

19 "(g) The sheriff of each county shall maintain a  
20 register or roster of the names of all persons registered by  
21 him or her pursuant to this chapter. The information contained  
22 in the register or roster shall be made available, upon  
23 request, to all federal, state, county, and municipal law  
24 enforcement agencies, prosecuting attorneys, or probation



officers for the administration, implementation, or enforcement of this chapter.

"§15-20A-43.

"Except as provided in Sections 15-20A-5, 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, and 15-20A-34 or the former 15-20-21(4)(a), the sex offender registration and notification requirements required by this chapter are mandatory and shall not be altered, amended, waived, or suspended by any court. Any order altering, amending, waiving, or suspending sex offender registration and notification requirements, except as provided in Sections 15-20A-5, 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, and 15-20A-34 or the former 15-20-21(4)(a), shall be null, void, and of no effect.

"§15-20A-45.

"(a) A sex offender who is convicted of any offense specified in this chapter, in addition to any imprisonment or fine, or both, and in addition to any other fees, costs, and assessments, imposed for the commission of the underlying offense, shall be punished by a fine of two hundred fifty dollars (\$250).

"(b) The fines collected in subsection (a) shall be distributed as follows:

(1) Fifty dollars (\$50) to the Highway Traffic Safety Fund in the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

"(2) Twenty-five dollars (\$25) to the Circuit Clerk's Restitution Recovery Fund.

"(3) Twenty-five dollars (\$25) to the State General Fund.

"(4) Fifty dollars (\$50) to the District Attorney's Fund or the fund prescribed by law for district attorney fees.

"(5) Fifty dollars (\$50) to the Office of Prosecution Services for the Alabama Computer Forensics Labs.

"(6) Fifty dollars (\$50) to the ~~local~~ law enforcement agency providing notification who requested the warrant subject to the following:-

"a. If the warrant was requested by the sheriff, or his or her designee, any and all monies collected under this subsection shall be deposited in the county general fund earmarked for use by the sheriff and shall be paid to the sheriff upon request by the sheriff to be used at the discretion of the sheriff for any law enforcement purpose related to sex offender registration, notification, tracking or apprehension.

"b. The monies provided in this subdivision and the use of the funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his or her office.

"c. If the warrant was requested by a municipality, any proceeds from this subdivision shall be deposited into the

municipal general fund and made available to the affected law enforcement agency or department upon requisition of the chief law enforcement official of such agency or department and shall be used for any lawful purpose related to sex offender registration notification, tracking or apprehension. The monies provided in this paragraph shall in no way diminish or take the place of any other reimbursement or other source of income established for the chief of police for the operation of his or her office.

"(c) Fines ordered pursuant to this section shall not be waived, suspended, or remitted.

"§15-20A-44.

"(a) The ~~Director~~ Secretary of the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency shall promulgate rules establishing an administrative hearing for persons who are only made subject to this chapter pursuant to subdivision (33) of Section 15-20A-5.

"(b) The ~~Director~~ Secretary of the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency shall promulgate rules setting forth a listing of offenses from other jurisdictions that are to be considered criminal sex offenses under subdivision (33) of Section 15-20A-5. Thereafter, any individual convicted of any offense set forth in the listing shall immediately be subject to this chapter

and shall not be entitled to an administrative hearing as provided in subsection (a).

"(c) The ~~Director~~ Secretary of the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency shall have the authority to promulgate any rules as are necessary to implement and enforce this chapter.

"§15-20A-46.

"(a) The two hundred dollar (\$200) filing fee paid by a sex offender who petitions the court for relief pursuant to Sections 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, or 15-20A-34 shall be distributed as follows:

"(1) Fifty dollars (\$50) to the Circuit Clerk's Restitution Recovery Fund.

"(2) Fifty dollars (\$50) to the ~~law enforcement agency providing community notification~~ sheriff of the county subject to the following:-

"a. Any and all monies collected under this subdivision shall be deposited in the county general fund earmarked for use by the sheriff and shall be paid to the sheriff upon request by the sheriff to be used at the discretion of the sheriff for any law enforcement purpose related to sex offender registration, notification, tracking or apprehension.

"b. The monies provided in this subdivision and the use of the funds shall in no way diminish or take the place of

1 any other reimbursement or other source of income established  
 2 for the sheriff or the operation of his or her office.

3 "(3) Fifty dollars (\$50) to the District Attorney's  
 4 Fund or the fund prescribed by law for district attorney fees.

5 "(4) Fifty dollars (\$50) to Child Alabama Network of  
 6 Children's Advocacy Centers.

7 "(b) The filing fee shall not be ~~suspended, waived,~~  
 8 ~~or remitted.~~

9 "\$15-22-27.3.

10 "Any person convicted of a ~~criminal~~ sex offense  
 11 involving a child as defined in subdivision ~~(5)~~ (26) of  
 12 Section ~~15-20-21~~ 15-20A-4 which constitutes a Class A or B  
 13 felony shall not be eligible for parole.

14 "\$32-6-49.24.

15 "(a) (1) Effective July 10, 2010, except as otherwise  
 16 provided by this subsection, a person convicted of a crime  
 17 that requires registration as a sex offender under Chapter 20A  
 18 of Title 15, formerly Article 2 of Chapter 20 of Title 15 is  
 19 prohibited from driving a commercial motor vehicle that  
 20 requires a commercial driver license with a P or an S  
 21 endorsement.

22 "(2) If a person who is registered as a sex offender  
 23 pursuant to Chapter 20A of Title 15, formerly Article 2 of  
 24 Chapter 20 of Title 15 on July 10, 2010, has a valid  
 25 commercial driver license with a P or an S endorsement that

1 was issued on or before July 10, 2010, then the person is not  
 2 disqualified under this subsection until that license expires,  
 3 provided the person does not commit a subsequent offense that  
 4 requires registration as a sex offender under Chapter 20A of  
 5 Title 15, formerly Article 2 of Chapter 20 of Title 15.

6 "(b) The department shall revoke the commercial  
 7 driver license with a P or an S endorsement of any person  
 8 convicted of any offense on or after July 10, 2010, that  
 9 requires registration as a sex offender under Chapter 20A of  
 10 Title 15, formerly Article 2 of Chapter 20 of Title 15.

11 "(c) (1) Effective July 10, 2010, the department  
 12 shall not issue or renew a commercial driver license with a P  
 13 or an S endorsement to any person who is required to register  
 14 as a sex offender under Chapter 20A of Title 15, formerly  
 15 Article 2 of Chapter 20 of Title 15.

16 "(2) The department shall not issue a commercial  
 17 driver license with a P or an S endorsement to an applicant  
 18 until the department has searched both the statewide registry  
 19 and the National Sex Offender Public Registry to determine if  
 20 the person is currently registered as a sex offender in this  
 21 state or another state.

22 "(3) If the department finds that the person is  
 23 currently registered as a sex offender in either this state or  
 24 another state, the department shall not issue a commercial  
 25 driver license with a P or an S endorsement to the person.

1           "(4) If the department is unable to access either  
 2     the statewide registry or all information of other states  
 3     contained in the National Sex Offender Public Registry, but  
 4     the person is otherwise qualified to obtain a commercial  
 5     driver license with a P or an S endorsement, then the  
 6     department shall issue the commercial driver license with the  
 7     P or S endorsement, but shall first require the person to sign  
 8     an affidavit stating that the person does not appear on either  
 9     the statewide registry or the National Sex Offender Public  
 10    Registry. The department shall search the statewide registry  
 11    and the National Sex Offender Public Registry for the person  
 12    within a reasonable time after access to the statewide  
 13    registry or the National Sex Offender Public Registry is  
 14    restored. If the person does appear in either registry, the  
 15    person is in violation of this section, and the department  
 16    shall immediately cancel the commercial driver license and  
 17    shall promptly notify the district attorney of the circuit  
 18    where the person resides of the offense.

19           "(5) Any person denied a commercial driver license  
 20    with a P or an S endorsement pursuant to this subsection shall  
 21    have a right to file an appeal to the department within 30  
 22    days thereafter for a hearing in the matter. The department  
 23    shall set the matter for a hearing within 30 days in order to  
 24    take testimony and examine the facts of the case and determine

1     whether the petitioner is entitled to a commercial driver  
 2     license with a P or an S endorsement under this subsection.

3           "(6) Any person who makes a false affidavit, or who  
 4     knowingly swears or affirms falsely, to any matter or thing  
 5     required by this section to be affirmed to or sworn is guilty  
 6     of a Class C felony.

7           "(d) A person who drives a commercial passenger  
 8     vehicle or a school bus and who does not have a valid  
 9     commercial driver license with a P or an S endorsement because  
 10    the person was convicted of a violation that requires  
 11    registration as a sex offender under Chapter 20A of Title 15,  
 12    formerly Article 2 of Chapter 20 of Title 15 is guilty of a  
 13    Class C felony.

14           "\$36-18-24.

15           "(a) The director is hereby authorized and empowered  
 16    to create and establish a DNA database for the purposes of:

17           "(1) Assisting federal, state, county, municipal, or  
 18    local criminal justice and law enforcement officers or  
 19    agencies in the putative identification, detection, or  
 20    exclusion of persons who are the subjects of investigations or  
 21    prosecutions of sex related crimes, other violent crimes, or  
 22    other crimes in which biological evidence is received or  
 23    recovered.

24           "(2) Supporting identification research and protocol  
 25    development of DNA forensic methods.

1           "(3) Creating and maintaining DNA quality control  
2 standards.

3           "(4) Assisting in the recovery or identification of  
4 human remains from natural or mass disasters.

5           "(5) Assisting in other humanitarian purposes  
6 including the identification of missing, deceased, or  
7 unidentified persons.

8           "(b) The DNA database shall contain DNA records  
9 which the director shall deem necessary for the implementation  
10 of this article, and also shall contain DNA records of:

11           "(1) Persons convicted after May 6, 1994, for a  
12 felony offense.

13           "(2) Persons confined as of May 6, 1994, under a  
14 sentence of imprisonment or involuntary incarceration or  
15 confinement in a prison, jail, or other incarceration facility  
16 as a result of any felony conviction.

17           "(3) Persons convicted after May 6, 1994, of any  
18 offense contained in Chapter 6, Title 13A, or as the same may  
19 be hereafter amended.

20           "(4) Persons convicted after May 6, 1994, of any  
21 attempt, solicitation, or conspiracy to commit any offense  
22 contained in Chapter 6, Title 13A, or as the same may be  
23 hereafter amended.

24           "(5) Persons convicted or sentenced after May 6,  
25 1994, for any of the offenses enumerated above and serving a

1 sentence of probation, suspended sentence, or other sentence  
2 or judgment not requiring immediate incarceration.

3           "(6) Subject to subdivision (3) of subsection (c) of  
4 Section 36-18-25, persons arrested on or after October 1,  
5 2010, for any felony offense or for any sexual offense  
6 including, but not limited to, those that would require  
7 registration pursuant to the Alabama Sex Offender Registration  
8 and Community Notification Act, Article 2, commencing with  
9 Section 15-20-20 15-20A-1, of Chapter 20 20A, Title 15, former  
10 Community Notification Act, Article 2, of Chapter 20 of Title  
11 15.

12           "\$36-18-25.

13           "(a) All persons convicted of a criminal offense as  
14 set out in Section 36-18-24 shall, when requested by the  
15 director submit to the taking of a DNA sample or samples as  
16 may be specified by the director, provided, however, the  
17 director shall promulgate such rules and regulations as may be  
18 necessary for the purposes of ensuring that DNA samples are  
19 collected in a medically approved manner.

20           "(b) As of May 6, 1994, all persons serving any  
21 sentence of probation for any of the offenses set out in  
22 Section 36-18-24 shall, when requested by the director, submit  
23 to the taking of a DNA sample or samples as specified by the  
24 director. Upon the refusal of any such person to so submit the

1 sentencing court shall order such submission as a mandatory  
2 condition of probation.

3 "(c) (1) All persons arrested for any felony offense  
4 on or after October 1, 2010, or for any sexual offense  
5 including, but not limited to, those that would require  
6 registration pursuant to the Alabama Sex Offender Registration  
7 and Community Notification Act, Article 2, commencing with  
8 Section ~~15-20-20~~ 15-20A-1, of Chapter ~~20~~ 20A, Title 15, or the  
9 former Community Notification Act, Article 2, of Chapter 20 of  
10 Title 15, on or after October 1, 2010, shall have a DNA sample  
11 drawn or taken, as specified by the director, at the same time  
12 he or she is fingerprinted pursuant to the booking procedure  
13 or at the time of arrest.

14 "(2) For purposes of this chapter, a juvenile who is  
15 arrested for an offense covered by this chapter or adjudicated  
16 delinquent for the commission of a felony-grade delinquent act  
17 shall be considered a person who is arrested for a felony or  
18 other specified offense.

19 ~~"(3) Notwithstanding the other provisions of this~~  
20 ~~section, any person arrested for a felony offense or a sexual~~  
21 ~~offense, including a juvenile pursuant to subdivision (2),~~  
22 ~~shall consent in writing freely and voluntarily to provide a~~  
23 ~~DNA sample and shall be informed that they are providing~~  
24 ~~written permission without any threats or promises. The person~~  
25 ~~shall have the right to refuse to provide a sample pursuant to~~

1 ~~subdivision (1) or (2) without penalty. The refusal may not be~~  
2 ~~used as evidence against the person in any proceeding.~~

3 ~~"(4) (3)~~ If it is determined that the person's DNA  
4 sample has been included in the DNA database, and has not been  
5 subject to a court's order expunging the record from the DNA  
6 database, no additional sample is required.

7 "(d) As of May 6, 1994, all persons convicted of any  
8 of the offenses set out in Section 36-18-24 shall be ordered  
9 to submit to the taking of a DNA sample or samples as  
10 specified by the director as a mandatory condition of any term  
11 of probation or suspended sentence which may be imposed by the  
12 sentencing court.

13 "(e) As of May 6, 1994, all persons convicted for  
14 any offense set out in Section 36-18-24 and under any sentence  
15 of confinement to any incarceration facility, shall, when  
16 requested by the director, submit to the taking of a DNA  
17 sample or samples as specified by the director. Upon the  
18 refusal of any such person to so submit, the custodian of the  
19 incarceration facility shall require such submission as a  
20 mandatory condition of any temporary, partial, or limited  
21 release, including, but not limited to, work release,  
22 furlough, or other incentive release.

23 "(f) As of May 6, 1994, all persons convicted of any  
24 of the offenses set out in Section 36-18-24, shall be ordered  
25 by the sentencing court to submit to the taking of a DNA

sample or samples as may be specified by the director as part of the sentence to be imposed.

"(g) As of May 6, 1994, all persons convicted for any offense set out in Section 36-18-24 who may be eligible for consideration by the Alabama Board of Pardons and Paroles for either a pardon or parole shall be ordered by the Alabama Board of Pardons and Paroles to submit to the taking of a DNA sample or samples as may be specified by the director, as a mandatory condition of the pardon or parole.

"(h) Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this article or the failure to perform any duty imposed by this article.

"(i) A DNA sample obtained in good faith shall be deemed to have been obtained in accordance with the requirements of this chapter and its use in accordance with this chapter is authorized until the circuit court in which an individual was convicted or, in a case where the DNA sample was collected pursuant to a felony or sexual offense arrest, the circuit court where the individual was arrested, orders that the DNA sample should be expunged.

"(j) DNA records and DNA samples submitted to the Department of Forensic Sciences may only be released for one of the following authorized purposes:

"(1) For law enforcement identification purposes, including the identification of human remains, to federal, state, or local criminal justice agencies.

"(2) For criminal defense and appeal purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged or was convicted.

"(3) If personally identifiable information is removed for forensic validation studies, forensic protocol development, or quality control purposes.

"§38-13-2.

"When used in this chapter, the following words shall have the following meanings:

"(1) ADULT. An individual 19 years of age and older.

"(2) ADULT CARE FACILITY. A person or entity holding a Department of Human Resources license or approval or certification to provide care, including foster care, for adults.

"(3) APPLICANT. A person or entity who submits an application for license as a child care or adult care facility to the Department of Human Resources or a child placing agency, or an application for employment or for a volunteer position to a Department of Human Resources licensed child care or adult care facility. With regards to child care and adult care facilities in a home setting, the term includes an

adult household member whose residence is in the home. The term also includes an individual who submits an application for a volunteer position or for employment with the Department of Human Resources in a position in which the person has unsupervised access to children, adults, or individuals with disabilities as one of the essential functions of the job. The term also includes an applicant for approval as an adoptive parent of a child or as a foster parent of an adult or child.

"(4) AUTOMATED SYSTEM. The computerized, automated fingerprint identification system (AFIS) maintained by the Department of Public Safety that allows for a computer search of the in-state database for criminal history background check information maintained by the Alabama Criminal Justice Information Center (ACJIC). The system contains criminal history background information for fingerprint-based and name-based searches.

"(5) CARE. The provision of care, treatment, education, training, instruction, supervision, or recreation to children, adults, or individuals with disabilities.

"(6) CARETAKER SETTING. A building, structure, or location, public or private property, or vehicle, utilized for or involved in the providing of care, education, training, instruction, or supervision of children, adults, or individuals with disabilities or transportation in connection

with activity provided by a licensed, approved, or certified child or adult care facility.

"(7) CHIEF EXECUTIVE OFFICER. The Commissioner of the Department of Human Resources, the director of a county department of human resources, or the head of an employer covered by this chapter, but not specifically enumerated.

"(8) CHILD or CHILDREN. An individual under 19 years of age.

"(9) CHILD CARE FACILITY. A person or entity holding a Department of Human Resources license, permit, or approval to provide child care, including foster care, under Chapter 7 of this title. The term excludes exempt child care facilities.

"(10) CHILD PLACING AGENCY. A person or entity licensed by the Department of Human Resources under Chapter 7 of this title, issuing approvals to foster family homes and adoptive homes.

"(11) CONVICTION. A determination of guilt as the result of a plea, including a plea of nolo contendere, or a trial.

"(12) CRIMINAL HISTORY BACKGROUND INFORMATION CHECK. The review of any and all records containing any information collected and stored in the criminal record repository of the Federal Bureau of Investigation, the Alabama Criminal Justice Information Center, and the Alabama Department of Public Safety involving an arrest or conviction by a criminal justice



1 agency, including, but not limited to, child abuse crime  
 2 information as defined by 42 U.S.C. § 5119, the National Child  
 3 Protection Act of 1993, conviction record information,  
 4 fingerprint cards, correctional data and release information,  
 5 and identifiable descriptions and notations of convictions.  
 6 Criminal history background information shall not include any  
 7 analytical records or investigative reports that contain  
 8 intelligence information or criminal investigation  
 9 information.

10 "(13) CURRENT. An individual who is presently  
 11 employed, licensed, or approved, or working as a volunteer on  
 12 November 1, 2000.

13 "(14) DAILY LIVING TASKS. Activities of daily  
 14 living, including walking, working, learning, grooming and  
 15 hygiene, bathing, dressing, eating, cooking, cleaning,  
 16 shopping, transportation, managing money, maintaining a  
 17 residence, writing, and using telephones, computers, and other  
 18 automated communication devices.

19 "(15) ELDERLY. An individual 65 years of age or  
 20 older.

21 "(16) EMPLOYEE. An individual currently in the  
 22 service of an employer for compensation, full-time or  
 23 part-time, and employed by contract or at will, in which the  
 24 employer has the authority to control the person in the

1 material details of how work shall be performed and when  
 2 compensation shall be provided.

3 "(17) EMPLOYER. An individual, person, group of  
 4 persons, association, partnership, corporation, limited  
 5 liability company or partnership, business, or other entity  
 6 which hires employees, has volunteers, or contracts with  
 7 others to provide personnel to work with or provide care to  
 8 children, adults, or individuals with disabilities in a  
 9 caretaker setting.

10 "(18) ESSENTIAL FUNCTIONS. The fundamental, not  
 11 merely marginal, job duties of the employment as determined by  
 12 a written job description or the judgement of the employer.

13 "(19) EXEMPT CARE FACILITY. A person or entity  
 14 exempt by law from licensure by the Department of Human  
 15 Resources or a child placing agency, including church day  
 16 care, child centers, or elder centers.

17 "(20) INDIVIDUAL. A natural person.

18 "(21) INDIVIDUAL WITH DISABILITIES. A person with a  
 19 mental or physical impairment who requires assistance to  
 20 perform one or more daily living tasks.

21 "(22) LAW ENFORCEMENT. The sheriff's department of a  
 22 county or the police department of a municipality.

23 "(23) LICENSE. A license, permit, certification,  
 24 approval, registration, or other form of permission required  
 25 by law by whatever designation for a child care facility,

adult care facility, child placing agency, foster parent or foster home, adoptive parent or adoptive home, or any other person or entity in which an individual has unsupervised access to children, the elderly, or individuals with disabilities.

"(24) LICENSED SOCIAL WORKER. A social worker licensed by the Alabama State Board of Social Work Examiners to conduct family home studies and psychosocial assessments in adoptive or custody cases by court order or for treatment not otherwise required to conduct a criminal history check.

"(25) LICENSEE. Holder of a license or approval and an adult household member whose residence is in the home in regards to child care and adult care facilities in a home setting.

"(26) PERSON or ENTITY. A natural person, sometimes referred to as an individual, an owner or operator of any adult care facility, child care facility, child placing agency, exempt child care facility, or licensee, whether an individual, corporation, limited liability company or partnership, partnership, association, or other legal entity or group, and a board member, an officer, member, or partner of an entity who has direct contact with children, the elderly, or individuals with disabilities in care.

"(27) REASONABLE SUSPICION. Belief by a prudent person that reasonable articulable grounds exist to suspect

that the employee's past or present behavior should be reviewed to determine if such behavior or conduct bears upon the individual's fitness to teach or supervise or have responsibility for the safety and well-being of children, the elderly, or persons with disabilities as defined in this chapter.

"(28) REPORT. A written statement of criminal history background information.

"(29) RESIDENCE. Place of abode, domicile, or dwelling with intention to remain permanently and continuously or for an indefinite or uncertain length of time.

"(30) SEX CRIME. Includes the following:

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

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

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

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

"e. Rape in the first or second degree, as proscribed by Section 13A-6-61 or Section 13A-6-62.

1 "f. Sexual misconduct, as proscribed by Section  
 2 13A-6-65.  
 3 "g. Sexual torture, as proscribed by Section  
 4 13A-6-65.1.  
 5 "h. Sexual abuse in the first or second degree, as  
 6 proscribed by Section 13A-6-66 or Section 13A-6-67.  
 7 "i. Sodomy in the first or second degree, as  
 8 proscribed by Section 13A-6-63 or Section 13A-6-64.  
 9 "j. Soliciting a child by computer for the purposes  
 10 of committing a sexual act and transmitting obscene material  
 11 to a child by computer as proscribed by Sections 13A-6-110 and  
 12 13A-6-111.  
 13 "k. Violation of the Alabama Child Pornography Act,  
 14 as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,  
 15 or 13A-12-197.  
 16 "l. Any solicitation, attempt, or conspiracy to  
 17 commit any of the offenses listed in paragraphs a. to k.,  
 18 inclusive.  
 19 "m. A crime listed in the Alabama Sex Offender  
 20 Registration and Community Notification Act, Chapter 20 20A of  
 21 Title 15.  
 22 "n. Conviction for a violation or attempted  
 23 violation of an offense committed outside the State of Alabama  
 24 or under federal law is a sex crime or any other crime if the  
 25 offense would be a crime in Alabama.

1 "(31) SUITABILITY CRITERIA.  
 2 "a. Convictions for any of the following crimes  
 3 shall make an individual unsuitable for employment, volunteer  
 4 work, approval, or licensure:  
 5 "1. Murder, manslaughter, or criminally negligent  
 6 homicide.  
 7 "2. A sex crime.  
 8 "3. A crime that involves the physical or mental  
 9 injury or maltreatment of a child, the elderly, or an  
 10 individual with disabilities.  
 11 "4. A crime committed against a child.  
 12 "5. A crime involving the sale or distribution of a  
 13 controlled substance.  
 14 "6. Robbery.  
 15 "7. A crime or offense committed in another state or  
 16 under federal law which would constitute any of the above  
 17 crimes in this state.  
 18 "b. Conviction for any crime listed in the Adoption  
 19 and Safe Families Act, 42 U.S.C. § 671(a)(20) shall disqualify  
 20 a person from being approved or continuing to be approved as a  
 21 foster parent or adoptive parent and a convicted person shall  
 22 be deemed unsuitable for employment, volunteer work, approval,  
 23 or licensure as a foster parent or adoptive parent.  
 24 "c. The Department of Human Resources may set other  
 25 disqualifying convictions by rule under the Administrative

1 Procedure Act, Section 41-22-1, et seq., for Department of  
2 Human Resources licensed child or adult care facilities.

3 "(32) SUITABILITY DETERMINATION. A decision that an  
4 individual is or is not suitable for employment, volunteer  
5 work, or licensure based upon the existence of a prohibited  
6 criminal conviction.

7 "(33) UNSUPERVISED ACCESS TO A CHILD OR CHILDREN,  
8 THE ELDERLY, OR AN INDIVIDUAL WITH DISABILITIES. Contacts,  
9 interviews, questions, examinations, interaction, or  
10 communications outside the presence, supervision, and control  
11 of someone other than a child or elderly or disabled  
12 individual in care during the provision of care, education,  
13 training, instruction, supervision, or other employment or  
14 license related activities.

15 "(34) VOLUNTEER. An individual who provides services  
16 without an express or implied promise of compensation, but  
17 shall not include the parent, family member, legal custodian,  
18 or legal guardian of a child, the elderly, or disabled  
19 individual in care.

20 "(35) WRITTEN CONSENT. A signed statement by the  
21 applicant or employee containing all of the following:

22 "a. The name, address, date of birth, race, gender,  
23 and Social Security number appearing on a valid identification  
24 document as defined in subsection (d) of 18 U.S.C. § 1028. If  
25 the applicant does not have a Social Security number because

1 of sincerely held personal beliefs, the Social Security number  
2 shall not be required and the Department of Human Resources  
3 and the Department of Public Safety shall provide an  
4 alternative means of identification and procedure.

5 b. Notice to the applicant or employee of the right  
6 to obtain a copy of the criminal history background  
7 information check report, challenge the accuracy and  
8 completeness of any information contained in the report, and  
9 to obtain a prompt determination as to the validity of a  
10 challenge.

11 "c. Name, address, and telephone number of the  
12 employer or licensing entity for which the criminal history  
13 background information check report is being sought.

14 "d. Release of the criminal history background  
15 information check report to the Department of Human Resources.

16 "\$38-13-4.

17 "(a) Every employer, child care facility, adult care  
18 facility, the Department of Human Resources, and child placing  
19 agency required to obtain a criminal history background  
20 information check pursuant to this chapter shall obtain, prior  
21 to or upon the date of employment, or issuance of a license or  
22 approval or renewal thereof, and maintain in the agency or  
23 personnel file, a request with written consent for the  
24 criminal history background information check and a statement  
25 signed by the applicant, volunteer, or employee indicating

whether he or she has ever been convicted of a crime, and if so, fully disclosing all convictions. The statement shall include a notice and questionnaire the same as or similar to the following:

"MANDATORY CRIMINAL HISTORY CHECK NOTICE: Alabama law requires that a criminal history background information check be conducted on all persons who hold a license or work in a Department of Human Resources licensed child care or adult care facility, a foster or adoptive home approved by the Department of Human Resources, or a licensed child placing agency, including all officers and agents of the entity. You are required to provide full, complete, and accurate information on your criminal conviction history upon application for a license or employment. This information shall be used to determine your suitability to provide care to children, the elderly, or disabled individuals. Unless a criminal history background information check report and suitability determination have previously been obtained, you must complete a written request and consent for a criminal history background information check with fingerprints at the time of application for employment. Refusal to complete these documents or providing false information may result in refusal of employment, approval, or licensure. The term conviction includes a determination of guilt by a trial, by a plea of guilty, or a plea of nolo contendere. You are required to

notify your employer, licensing agency, or entity where you are performing volunteer work of any criminal conviction occurring subsequent to the date of completion of this notice. Any individual determined to have submitted false information may be referred to the district attorney or law enforcement for investigation and possible prosecution. An individual who intentionally falsifies or provides any misleading information on the statement is guilty of a Class A misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000) and imprisonment for not more than one year.

"Convictions for any of the following crimes shall make an individual unsuitable for employment, volunteer work, approval, or licensure:

"1. Murder, manslaughter, or criminally negligent homicide.

"2. A sex crime.

"3. A crime that involves the physical or mental injury or maltreatment of a child, the elderly, or an individual with disabilities.

"4. A crime committed against a child.

"5. A crime involving the sale or distribution of a controlled substance.

"A sex crime includes the following:

1            "a. Enticing a child to enter a vehicle, room,  
2           house, office, or any other space for immoral purposes, as  
3           proscribed by Section 13A-6-69 of the Code of Alabama 1975.

4            "b. Incest, when the offender is an adult and the  
5           victim is a minor, as proscribed by Section 13A-13-3 of the  
6           Code of Alabama 1975.

7            "c. Kidnapping of a minor, except by a parent, in  
8           the first or second degree, as proscribed by Section 13A-6-43  
9           or Section 13A-6-44 of the Code of Alabama 1975.

10           "d. Promoting prostitution in the first or second  
11           degree, as proscribed by Section 13A-12-111 or Section  
12           13A-12-112 of the Code of Alabama 1975.

13            "e. Rape in the first or second degree, as  
14           proscribed by Section 13A-6-61 or Section 13A-6-62 of the Code  
15           of Alabama 1975.

16            "f. Sexual misconduct, as proscribed by Section  
17           13A-6-65 of the Code of Alabama 1975.

18            "g. Sexual torture, as proscribed by Section  
19           13A-6-65.1 of the Code of Alabama 1975.

20            "h. Sexual abuse in the first or second degree, as  
21           proscribed by Section 13A-6-66 or Section 13A-6-67 of the Code  
22           of Alabama 1975.

23            "i. Sodomy in the first or second degree, as  
24           proscribed by Section 13A-6-63 or Section 13A-6-64 of the Code  
25           of Alabama 1975.

1            "j. Soliciting a child by computer for the purposes  
2           of committing a sexual act and transmittal of obscene material  
3           to a child by computer as proscribed by Sections 13A-6-110 and  
4           13A-6-111 of the Code of Alabama 1975.

5            "k. Violation of the Alabama Child Pornography Act,  
6           as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,  
7           or 13A-12-197 of the Code of Alabama 1975.

8            "l. Any solicitation, attempt, or conspiracy to  
9           commit any of the offenses listed in paragraphs a. to k.,  
10           inclusive.

11            "m. A crime listed in the Alabama Sex Offender  
12           Registration and Community Notification Act, Chapter 20 20A of  
13           Title 15 of the Code of Alabama 1975.

14            "6. Conviction for a crime listed in the federal  
15           Adoption and Safe Families Act as prohibiting a person from  
16           being a foster parent or adoptive parent shall be deemed to  
17           make the convicted person unsuitable for employment, volunteer  
18           work, approval, or licensure as a foster parent or adoptive  
19           parent.

20            "7. Conviction for a violation or attempted  
21           violation of an offense committed outside the State of Alabama  
22           or under federal law is a sex crime or any other crime listed  
23           in this notice if the offense would be a crime listed in this  
24           notice in Alabama.

25            "CRIMINAL HISTORY STATEMENT

1       ""Have you ever had a suitability determination made  
2       by the Department of Human Resources in connection with a  
3       previous criminal history information background check? Yes  
4       ( ) No ( ).

5       ""Have you ever been convicted of a crime? Yes ( )  
6       No ( ). If yes, state the date, crime, location, punishment  
7       imposed, and whether the victim was a child or an elderly or  
8       disabled individual.

9       "" \_\_\_\_\_

10      "" \_\_\_\_\_

11      ""Date \_\_\_\_\_ Signature \_\_\_\_\_."

12      "(b) An individual who fails or refuses to provide a  
13      statement shall not be employed, allowed to work or volunteer,  
14      or issued a license or approval as defined in this chapter.  
15      Upon receipt of a signed criminal history statement which does  
16      not indicate conviction for a crime prohibiting employment  
17      under the suitability criteria, an employer, including the  
18      Department of Human Resources, may employ an applicant or  
19      allow a volunteer or contract provider to work provisionally  
20      pending receipt of a suitability determination from the  
21      Department of Human Resources.

22      "(c) No later than the five business days after  
23      employment or a reasonable time after completion of  
24      application for a license or approval, an employer, the  
25      Department of Human Resources, or child placing agency shall

1       mail or deliver a request for a criminal history background  
2       information check to the Department of Public Safety  
3       accompanied by the following:

4               "(1) Two complete sets of fingerprints, properly  
5       executed by a law enforcement agency or an individual properly  
6       trained in fingerprinting techniques.

7               "(2) Written consent from the applicant, employee,  
8       or volunteer for the release of the criminal history  
9       background information to the Department of Human Resources.

10              "(3) The fee.

11              "(d) Upon receipt of a suitability determination  
12       from the Department of Human Resources that a person or entity  
13       is suitable for employment, volunteer work, licensure, or  
14       approval based on the criminal history background information  
15       check, an employer, a child care facility, adult care  
16       facility, a child placing agency, or the Department of Human  
17       Resources may make its own determination of employment,  
18       licensure, or approval. This chapter shall not create any  
19       right to employment, work, approval, or licensure. Upon  
20       receipt of a determination from the Department of Human  
21       Resources that an individual is unsuitable for employment,  
22       licensure, approval, or volunteer work, an employer, the child  
23       care facility, adult care facility, child placing agency, or  
24       Department of Human Resources shall terminate the individual  
25       from employment or volunteer work or shall not employ or use

1 the individual. Termination of employment may be delayed by  
 2 the employer to allow the individual to challenge either the  
 3 accuracy or completeness of the criminal history information  
 4 background report or the suitability determination made by the  
 5 Department of Human Resources. The Department of Human  
 6 Resources or child placing agency shall suspend or revoke a  
 7 license or approval or deny a license or approval application  
 8 to an individual receiving an unsuitability determination. As  
 9 an alternative to termination of employment, the Department of  
 10 Human Resources may transfer a permanent Merit System employee  
 11 to an available position for which the employee is qualified  
 12 where unsupervised access to children, the elderly, or persons  
 13 with disabilities shall not be an essential function of the  
 14 job.

15 "(e) If a review of a criminal history background  
 16 information check or other information received reveals that  
 17 the person has submitted false information, the employer,  
 18 child care facility, adult care facility, child placing  
 19 agency, or Department of Human Resources may terminate the  
 20 employee or volunteer. The Department of Human Resources or  
 21 child placing agency may revoke the approval or license of a  
 22 person or entity when the person or entity submits false  
 23 information in a review of criminal history background  
 24 information check or other information. The Department of  
 25 Human Resources shall be notified of the false information and

1 may refer the case to an appropriate law enforcement agency or  
 2 district attorney for investigation and prosecution.

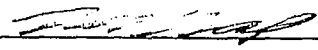
3 "(f) Unless otherwise provided in this chapter, only  
 4 one criminal history background information check shall be  
 5 required on an individual regardless of subsequent changes in  
 6 employment or licensing or approval status. Subsequent  
 7 criminal history background information checks may be  
 8 conducted by the employer or licensing or approval entity. The  
 9 licensing or approval entity shall pay the cost for subsequent  
 10 criminal history background information checks. If the  
 11 statement signed by the applicant or employee states that a  
 12 criminal history background information check has been  
 13 performed and suitability determination issued on the  
 14 individual pursuant to this chapter, the employer or licensing  
 15 agency may request at the time of application only a  
 16 suitability determination from the Department of Human  
 17 Resources on the check previously performed, within five  
 18 business days of employment, or completion of license or  
 19 approval application, submitting the same kind of information  
 20 and consent for the request for suitability determination as  
 21 required by the written consent for a criminal history  
 22 background information check."

23 Section 2. Although this bill would have as its  
 24 purpose or effect the requirement of a new or increased  
 25 expenditure of local funds, the bill is excluded from further



requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

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

  
Speaker of the House of Representatives

  
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 12-MAY-15, as amended.

Jeff Woodard  
Clerk

Senate	<u>04-JUN-15</u>	Amended and Passed
House	<u>04-JUN-15</u>	Concurred in Senate Amendment

APPROVED 6-11-2015

TIME 9:00 AM

  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2015-463  
Bill Num....: H-316

Recv'd 06/11/15 01:27p SLF

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-SPONSORS  
okagon  
yland  
caching  
cogon & v. n.

I HEREBY CERTIFY THAT THE  
RESOLUTION AS REQUIRED IN  
SECTION C OF ACT NO. 81-889  
WAS ADOPTED AND IS ATTACHED  
TO THE BILL, H.B. 316

YEAS 71 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE  
NOTICE & PROOF IS ATTACHED  
TO THE BILL, H.B. \_\_\_\_\_  
AS REQUIRED IN THE GENERAL  
ACTS OF ALABAMA, 1975 ACT NO.  
919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 5-14 2011

RD 1 RFD July

This Bill was referred to the Standing  
Committee of the Senate on July 14

and was acted upon by such Committee in  
session and is by order of the Committee  
returned therefrom with a favorable report  
w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of  
yeas 0 nays 0 abstain 0

this 20 day of May 2015  
Jim Wood, Chairperson

DATE: 5-21 2011

RF FAV RD 2 CAL

DATE: \_\_\_\_\_ 2011

RE-REFERRED \_\_\_\_\_ RE-COMMITTED ☐  
Committee \_\_\_\_\_

I hereby certify that the Resolution as  
required in Section C of Act No. 81-889  
was adopted and is attached to the Bill,  
HB 316

YEAS 32 NAYS 0

PATRICK HARRIS,  
Secretary

FURTHER SENATE ACTION (OVER)