

1 SB301
2 181699-7
3 By Senators Figures and Ward
4 RFD: Judiciary
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ACT #2017-

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SB301

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4 ENROLLED, An Act,

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Relating to sex offenses and sex offenders; to
create the crimes of distributing a private image, sexting,
sexual extortion, assault with bodily fluids, and directing a
child to engage in sexual intercourse or deviate sexual
intercourse, and to provide further for the crime of
electronic solicitation of a child; to amend Sections
13A-6-122, 15-20A-4, 15-20A-5, 15-20A-7, 15-20A-8, 15-20A-10,
15-20A-11, 15-20A-12, 15-20A-13, 15-20A-14, 15-20A-15,
15-20A-16, 15-20A-18, 15-20A-21, 15-20A-23, 15-20A-24,
15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-31,
15-20A-32, 15-20A-34, 15-20A-37, 15-20A-42, and 15-20A-43 of
the Code of Alabama 1975, to add crimes to the list of
enumerated sex offenses for purposes of registration and
notification; to create a definition for reside, require
certain sex offenders to notify law enforcement of each place
the sex offender resides, and provide further for the
notification requirements associated with establishing a
residence or residences and vacating a residence; to further
specify information that may or may not appear on the public
registry website; to provide further for the process by which
a court may relieve certain sex offenders from registration

and notification requirements; to specify additional procedures for payment of the filing fees associated with the petition for relief; to define the term volunteer position and to limit locations in which a sex offender may accept a volunteer position and to require certain sex offenders accepting a volunteer position to notify law enforcement; and in connection therewith would 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits, or otherwise distributes a private image with the intent to harass, threaten, coerce, or intimidate the person depicted when the depicted person has not consented to the transmission and the depicted person had a reasonable expectation of privacy against transmission of the private image.

(b) For purposes of this section, private image means a photograph, digital image, video, film, or other recording of a person who is identifiable from the recording itself or from the circumstances of its transmission and who is engaged in any act of sadomasochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity,

as defined in Section 13A-12-190, genital nudity, or other sexual conduct. The term includes a recording that has been edited, altered, or otherwise manipulated from its original form.

(c) (1) For purposes of this section, a reasonable expectation of privacy includes, but is not limited to, either of the following circumstances:

a. The person depicted in the private image created it or consented to its creation believing that it would remain confidential.

b. The sexual conduct depicted in the image was involuntary.

(2) There is no reasonable expectation of privacy against the transmission of a private image made voluntarily in a public or commercial setting.

(d) It is a defense to distributing a private image if the distribution of the private image was made in the public interest, including, but not limited to, the reporting of unlawful conduct; the lawful and common practices of law enforcement, legal proceedings, or medical treatment; or a bona fide attempt to prevent further distribution of the private image.

(e) A violation of this section is a Class A misdemeanor. A subsequent adjudication or conviction under this section is a Class C felony.

1 Section 2. (a) A person commits the crime of sexual
2 extortion if he or she knowingly causes another person to
3 engage in sexual intercourse, deviate sexual intercourse,
4 sexual contact, or in a sexual act or to produce any
5 photograph, digital image, video, film, or other recording of
6 any person, whether recognizable or not, engaged in any act of
7 sadomasochistic abuse, sexual intercourse, deviate sexual
8 intercourse, sexual excitement, masturbation, breast nudity,
9 genital nudity, or other sexual conduct by transmitting any
10 communication containing any threat to injure the body,
11 property, or reputation of any person.

12 (b) Sexual extortion is a Class B felony.

13 Section 3. (a) A person commits the crime of assault
14 with bodily fluids if he or she knowingly causes or attempts
15 to cause another person to come into contact with a bodily
16 fluid unless the other person consented to the contact or the
17 contact was necessary to provide medical care.

18 (b) For purposes of this section, a bodily fluid is
19 blood, saliva, seminal fluid, mucous fluid, urine, or feces.

20 (c) Assault with bodily fluids is a Class A
21 misdemeanor; provided, however, a violation of this section is
22 a Class C felony if the person commits the crime of assault
23 with bodily fluids knowing that he or she has a communicable
24 disease.

1 Section 4. (a)(1) A person commits the crime of
2 directing a child to engage in sexual intercourse or deviate
3 sexual intercourse if he or she knowingly entices, allures,
4 persuades, induces, or directs any person under the age of 12
5 to engage in sexual intercourse or deviate sexual intercourse
6 with another person under the age of 12.

7 (2) Directing a child to engage in sexual
8 intercourse or deviate sexual intercourse is a Class A felony.

9 (b)(1) A person commits the crime of directing a
10 child to engage in sexual contact if he or she knowingly
11 entices, allures, persuades, induces, or directs any person
12 under the age of 12 to engage in sexual contact with another
13 person under the age of 12.

14 (2) A violation of this section is a Class C felony.

15 Section 5. Sections 13A-6-122, 15-20A-4, 15-20A-5,
16 15-20A-7, 15-20A-8, 15-20A-10, 15-20A-11, 15-20A-12,
17 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18,
18 15-20A-21, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26,
19 15-20A-27, 15-20A-28, 15-20A-31, 15-20A-32, 15-20A-34,
20 15-20A-37, 15-20A-42, and 15-20A-43 of the Code of Alabama
21 1975, are amended to read as follows:

22 "§13A-6-122.

23 "In addition to the provisions of Section 13A-6-69,
24 a person who, knowingly, ~~with the intent to commit an unlawful~~
25 ~~sex act,~~ entices, induces, persuades, seduces, prevails,

advises, coerces, lures, or orders, or attempts to entice, induce, persuade, seduce, prevail, advise, coerce, lure, or order, by means of a computer, on-line service, Internet service, Internet bulletin board service, weblog, cellular phone, video game system, personal data assistant, telephone, facsimile machine, camera, universal serial bus drive, writable compact disc, magnetic storage device, floppy disk, or any other electronic communication or storage device, a child who is at least three years younger than the defendant, or another person believed by the defendant to be a child at least three years younger than the defendant to meet with the defendant or any other person for the purpose of engaging in sexual intercourse, ~~sodomy, or to engage in a deviate sexual intercourse, sexual contact, sexual performance, obscene sexual performance, or sexual conduct, or genital mutilation~~ for his or her benefit or for the benefit of another, or directs a child to engage in sexual intercourse, deviate sexual intercourse, sexual contact, sexual performance, obscene sexual performance, sexual conduct, or genital mutilation, is guilty of electronic solicitation of a child. Any person who violates this section commits a Class B felony.

"§15-20A-4.

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

"(1) ADULT SEX OFFENDER. A person convicted of a sex offense.

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

"(3) CHILDCARE FACILITY. A licensed child daycare center, a licensed childcare facility, or any other childcare service that is exempt from licensing pursuant to Section 38-7-3, ~~provided that the licensed child daycare center, licensed childcare facility, or any other childcare service and location are public record if it is sufficiently conspicuous that a reasonable person should know or recognize its location or its address has~~ have been provided to local law enforcement.

"(4) CONVICTION. A verdict or finding of guilt as the result of a trial, a plea of guilty, a plea of nolo contendere, or an Alford plea regardless of whether adjudication was withheld. Conviction includes, but is not limited to, a conviction in a United States territory, a conviction in a federal or military tribunal, including a court martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian reservation or other federal property, a conviction in any state of the United States or a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines

1 under Section 111(5) (B) of Public Law 109-248. Cases on appeal
2 are deemed convictions until reversed or overturned.

3 "(5) EMPLOYMENT. ~~Employment that~~ Compensated work or
4 a volunteer position for any period of time, regardless of
5 whether the work is full-time, part-time, self-employment, or
6 employment as an independent contractor or day laborer ~~for any~~
7 ~~period, whether financially compensated, volunteered, or for~~
8 ~~the purpose of government or educational benefit, provided~~
9 that employment does not include any time spent traveling as a
10 necessary incident to performing the work.

11 "(6) FIXED RESIDENCE. A building or structure,
12 having a physical address or street number, that ~~adequately~~
13 provides shelter ~~at~~ in which a person resides.

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

16 "~~(8) HOMELESS. A person who has no~~ The state of
17 lacking a fixed residence.

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

23 "~~(10) IMMEDIATELY. Within three business days.~~

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

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

7 "~~(13) LOCAL LAW ENFORCEMENT. The sheriff of the~~
8 ~~county and the chief of police if the location subject to~~
9 ~~registration is within the corporate limits of any~~
10 ~~municipality, or, if applicable, the chief law enforcement~~
11 ~~officer for a federally recognized Indian tribe.~~

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

14 "~~(15) OVERNIGHT VISIT. Any presence between the~~
15 ~~hours of 10:30 p.m. and 6:00 a.m.~~

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

22 "(16) PRIOR CONVICTION. The person has served and
23 has been released or discharged from, or is serving, a
24 separate period of incarceration, commitment, or supervision
25 for the commission of a sex offense, as defined by Section

1 15-20A-5, prior to, or at the time of, committing another sex
2 offense.

3 "(17) REGISTERING AGENCY. Any agency with whom the
4 sex offender registers required registration information.

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

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

17 "(20) RESIDE. To be habitually or systematically
18 present at a place. Whether a person is residing at a place
19 shall be determined by the totality of the circumstances,
20 including the amount of time the person spends at the place
21 and the nature of the person's conduct at the place. The term
22 reside includes, but is not limited to, spending more than
23 four hours a day at the place on three or more consecutive
24 days; spending more than four hours a day at the place on 10
25 or more aggregate days during a calendar month; or spending

1 any amount of time at the place coupled with statements or
2 actions that indicate an intent to live at the place or to
3 remain at the place for the periods specified in this
4 sentence. A person does not have to conduct an overnight visit
5 to reside at a place.

6 ~~"(20) (21) RESIDENCE. Each fixed residence or other~~
7 ~~place where a person resides, sleeps, or habitually lives or~~
8 ~~will reside, sleep, or habitually live. If a person does not~~
9 ~~reside, sleep, or habitually live in a fixed residence,~~
10 ~~residence means a description of the locations where the~~
11 ~~person is stationed regularly, day or night, including any~~
12 ~~mobile or transitory living quarters or locations that have no~~
13 ~~specific mailing or street address. Residence shall be~~
14 ~~construed to refer to the places where a person resides,~~
15 ~~sleeps, habitually lives, or is stationed with regularity, A~~
16 ~~fixed residence as defined by Section 15-20A-4 or other place~~
17 ~~where the person resides,~~ regardless of whether the person
18 declares or characterizes such place as a residence.

19 ~~"(21) (22) RESPONSIBLE AGENCY.~~ The person or
20 government entity whose duty it is to obtain information from
21 a sex offender and to transmit that information to the Alabama
22 State Law Enforcement Agency, police departments, and
23 sheriffs. For a sex offender being released from state prison,
24 the responsible agency is the Department of Corrections. For a
25 sex offender being released from a county jail, the

1 responsible agency is the sheriff of that county. For a sex
 2 offender being released from a municipal jail, the responsible
 3 agency is the chief of police of that municipality. For a sex
 4 offender being placed on probation, including conditional
 5 discharge or unconditional discharge, without any sentence of
 6 incarceration, the responsible agency is the sentencing court
 7 or designee of the sentencing court. For a juvenile sex
 8 offender being released from the Department of Youth Services,
 9 the responsible agency is the Department of Youth Services.
 10 For a sex offender who is being released from a jurisdiction
 11 outside this state and who is to reside in this state, the
 12 responsible agency is the sheriff of the county in which the
 13 offender intends to establish a residence.

14 "~~(22)~~ (23) RISK ASSESSMENT. A written report on the
 15 assessment of risk for sexually re-offending conducted by a
 16 sex offender treatment program or provider approved by the
 17 Department of Youth Services. The report shall include, but
 18 not be limited to, the following regarding the juvenile sex
 19 offender: Criminal history, mental status, attitude, previous
 20 sexual offender treatment and response to treatment, social
 21 factors, conditions of release expected to minimize risk of
 22 sexual re-offending, and characteristics of the sex offense.

23 "~~(23)~~ (24) SCHOOL. A licensed or accredited public,
 24 private, or church school that offers instruction in grades
 25 ~~K-12~~ pre-K-12 if it is sufficiently conspicuous that a

1 reasonable person should know or recognize its location or its
 2 address has been provided to local law enforcement. The
 3 definition does not include a private residence in which
 4 students are taught by parents or tutors or any facility
 5 dedicated exclusively to the education of adults unless that
 6 facility has a childcare facility as defined in subdivision
 7 (3).

8 "~~(24)~~ (25) SENTENCING COURT. The court of
 9 adjudication or conviction.

10 "~~(25)~~ (26) SEX OFFENDER. Includes any adult sex
 11 offender, any youthful offender sex offender, and any juvenile
 12 sex offender.

13 "~~(26)~~ (27) SEX OFFENSE INVOLVING A CHILD. A
 14 conviction for any sex offense in which the victim was a child
 15 or any offense involving child pornography.

16 "~~(27)~~ (28) SEX OFFENSE INVOLVING A MINOR. A
 17 conviction for any sex offense in which the victim was a minor
 18 or any offense involving child pornography.

19 "~~(28)~~ (29) SEXUALLY VIOLENT PREDATOR. A person who
 20 has been convicted of a sexually violent offense and who is
 21 likely to engage in one or more future sexually violent
 22 offenses or is likely to engage in future predatory sex
 23 offenses.

24 "~~(29)~~ (30) STUDENT. A person who is enrolled in or
 25 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)~~ (31) 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.

"(32) VOLUNTEER POSITION. An arrangement whereby a person works without compensation for any period of time on behalf of a business, school, charity, child care facility, or other organization or entity, provided that a volunteer position does not include any time spent traveling as a necessary incident to performing the uncompensated work.

"~~(31)~~ (33) 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 of a sex offense, 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, 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 indecent exposure.

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

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

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

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

"(14) Violation of the Alabama Child Pornography Act, as provided by Section 13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197. The sentencing court may exempt from this chapter a juvenile sex offender adjudicated delinquent of a violation of the Alabama Child Pornography Act after the juvenile has been counseled on the dangers of the conduct for which he or she was adjudicated delinquent.

"(15) Unlawful imprisonment in the first degree, as provided by Section 13A-6-41, if the victim of the offense is

a minor, and the record of adjudication or conviction reflects the intent of the unlawful imprisonment was to abuse the minor sexually.

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

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

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

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

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

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

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

"(23) Facilitating solicitation of unlawful sexual 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) Sexual extortion, as provided by Section 4 of
18 the act adding this amendatory language.

19 "(32) Directing a child to engage in a sex act, as
20 provided in Section 5 of the act adding this amendatory
21 language.

22 "~~(31)~~ (33) Any offense which is the same as or
23 equivalent to any offense set forth above as the same existed
24 and was defined under the laws of this state existing at the
25 time of such conviction, specifically including, but not

1 limited to, crime against nature, as provided by Section
2 13-1-110; rape, as provided by Sections 13-1-130 and 13-1-131;
3 carnal knowledge of a woman or girl, as provided by Sections
4 13-1-132 through 13-1-135, or attempting to do so, as provided
5 by Section 13-1-136; indecent molestation of children, as
6 defined and provided by Section 13-1-113; indecent exposure,
7 as provided by Section 13-1-111; incest, as provided by
8 Section 13-8-3; offenses relative to obscene prints and
9 literature, as provided by Sections 13-7-160 through 13-7-175,
10 inclusive; employing, harboring, procuring or using a girl
11 over 10 and under 18 years of age for the purpose of
12 prostitution or sexual intercourse, as provided by Section
13 13-7-1; seduction, as defined and provided by Section
14 13-1-112; a male person peeping into a room occupied by a
15 female, as provided by Section 13-6-6; assault with intent to
16 ravish, as provided by Section 13-1-46; and soliciting a child
17 by computer, as provided by Section 13A-6-110.

18 "~~(32)~~ (34) Any solicitation, attempt, or conspiracy
19 to commit any of the offenses listed in subdivisions (1) to
20 (31), inclusive.

21 "~~(33)~~ (35) Any crime committed in Alabama or any
22 other state, the District of Columbia, any United States
23 territory, or a federal, military, Indian, or foreign country
24 jurisdiction which, if it had been committed in this state

1 under the current provisions of law, would constitute an
2 offense listed in subdivisions (1) to (32), inclusive.

3 "~~(34)~~ (36) Any offense specified by Title I of the
4 federal Adam Walsh Child Protection and Safety Act of 2006
5 (Pub. L. 109-248, the Sex Offender Registration and
6 Notification Act (SORNA)).

7 "~~(35)~~ (37) Any crime committed in another state, the
8 District of Columbia, any United States territory, or a
9 federal, military, Indian, or foreign country jurisdiction if
10 that jurisdiction also requires that anyone convicted of that
11 crime register as a sex offender in that jurisdiction.

12 "~~(36)~~ (38) Any offender determined in any
13 jurisdiction to be a sex offender shall be considered a sex
14 offender in this state.

15 "~~(37)~~ (39) The foregoing notwithstanding, any crime
16 committed in any jurisdiction which, irrespective of the
17 specific description or statutory elements thereof, is in any
18 way characterized or known as rape, carnal knowledge, sodomy,
19 sexual assault, sexual battery, criminal sexual conduct,
20 criminal sexual contact, sexual abuse, continuous sexual
21 abuse, sexual torture, solicitation of a child, enticing or
22 luring a child, child pornography, lewd and lascivious
23 conduct, taking indecent liberties with a child, molestation
24 of a child, criminal sexual misconduct, video voyeurism, or
25 there has been a finding of sexual motivation.

1 "~~(38)~~ (40) Any crime not listed in this section
2 wherein the underlying felony is an element of the offense and
3 listed in subdivisions (1) to ~~(37)~~ (39), inclusive.

4 "~~(39)~~ (41) Any other offense not provided for in
5 this section wherein there is a finding of sexual motivation
6 as provided by Section 15-20A-6.

7 "\$15-20A-7.

8 "(a) The following registration information, unless
9 otherwise indicated, shall be provided by the sex offender
10 when registering:

11 "(1) Name, including any aliases, nicknames, ethnic,
12 or tribal names.

13 "(2) Date of birth.

14 "(3) Social Security number.

15 "(4) Address of each residence.

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

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

24 "(7) The license plate number, registration number
25 or identifier, description, and permanent or frequent location

1 where all vehicles are kept for any vehicle used for work or
2 personal use, including land vehicles, aircraft, and
3 watercraft.

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

6 "(9) Any email addresses or instant message address
7 or identifiers used, including any designations or monikers
8 used for self-identification in Internet communications or
9 postings other than those used exclusively in connection with
10 a lawful commercial transaction.

11 "(10) A current photograph.

12 "(11) A physical description of the sex offender
13 including physical appearance, physical characteristics, and
14 identifying marks such as scars and tattoos.

15 "(12) Fingerprints and palm prints.

16 "(13) A DNA sample. The DNA sample may be collected
17 by the probation officer, sheriff, chief of police, or other
18 responsible agency. Prior to collecting a DNA sample, the
19 responsible agency shall determine if a DNA sample has already
20 been collected for the sex offender by checking the Dru Sjodin
21 National Sex Offender Public Registry website, the Alabama
22 Department of Forensic Sciences DNATracker site, or with the
23 Alabama State Law Enforcement Agency. If a DNA sample has not
24 been previously collected for the sex offender, the
25 responsible agency shall coordinate for the collection of a

1 DNA sample with the sheriff of the county in which the
2 registration is occurring. The collection of a DNA sample
3 should be performed using materials recommended or provided by
4 the Alabama Department of Forensic Sciences. The DNA sample
5 shall be immediately forwarded by the entity collecting the
6 sample to the Department of Forensic Sciences.

7 "(14) A photocopy of the valid driver license or
8 identification card.

9 "(15) A photocopy of any and all passport and
10 immigration documents.

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

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

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

20 "(19) Any other information deemed necessary by the
21 Secretary of the Alabama State Law Enforcement Agency.

22 "(b) The registering agency is not required to
23 obtain any of the following information each time the sex
24 offender verifies his or her required registration information

1 if the registering agency verifies the information has already
2 been collected and has not been changed or altered:

3 "(1) A current photograph.

4 "(2) Fingerprints or palm prints.

5 "(3) A DNA sample.

6 "(4) A photocopy of the valid driver license or
7 identification card.

8 "(5) A photocopy of any and all passport and
9 immigration documents.

10 "(c) The registration information shall be
11 transmitted to the Alabama State Law Enforcement Agency in a
12 manner determined by the secretary of the department and
13 promulgated in rule by the secretary upon recommendation of an
14 advisory board consisting of representatives of the office of
15 the Attorney General, District Attorneys Association, Chiefs
16 of Police Association, Sheriffs Association, and the Alabama
17 State Law Enforcement Agency. The advisory board members shall
18 not receive any compensation or reimbursement for serving on
19 the advisory board.

20 "(d) The required registration information shall
21 include a form explaining all registration and notification
22 duties, including any requirements and restrictions placed on
23 the sex offender. This form shall be signed and dated by the
24 sex offender. If the sex offender fails to sign the form, the
25 designee of the registering agency shall sign the form stating

1 that the requirements have been explained to the sex offender
2 and that the sex offender refused to sign.

3 "(e) All required registration information shall be
4 stored electronically in a manner determined by the Secretary
5 of the Alabama State Law Enforcement Agency and shall be
6 available in a digitized format by the Alabama State Law
7 Enforcement Agency to anyone entitled to receive the
8 information as provided in Section 15-20A-42.

9 "(f) Any person who knowingly fails to provide the
10 required registration information, or who knowingly provides
11 false information, pursuant to this section shall be guilty of
12 a Class C felony.

13 "\$15-20A-8.

14 "(a) All of the following registration information
15 shall be provided on the public registry website maintained by
16 the Alabama State Law Enforcement Agency and may be provided
17 on any community notification documents:

18 "(1) Name, including any aliases, nicknames, ethnic,
19 or Tribal names.

20 "(2) Address of each residence.

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

1 "(4) Address of any employer where the sex offender
2 works or will work, including any transient or day laborer
3 information.

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

7 "(6) A current photograph.

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

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

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

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

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

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

21 "(2) Social Security number.

22 "(3) Travel and immigration document numbers.

23 "(4) Victim identity.

1 "~~(5) Internet identifiers~~ Any email addresses or
2 instant message addresses or identifiers used by the sex
3 offender.

4 "(6) Any Internet service providers used by the sex
5 offender.

6 "(c) Any other required registration information may
7 be included on the website as determined by the Secretary of
8 the Alabama State Law Enforcement Agency.

9 "(d) All information shall immediately be posted on
10 the public registry website upon receipt of the information by
11 the Alabama State Law Enforcement Agency.

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

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

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

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

1 prior to including the individual on the website, the Alabama
2 State Law Enforcement Agency did not consider or assess the
3 individual's specific risk of reoffense or current
4 dangerousness; that inclusion on the website is based solely
5 on an individual's conviction record and state law; and that
6 the Legislature's purpose in providing this data is to make
7 the information more easily available and accessible, not to
8 warn about any specific individual.

9 "§15-20A-10.

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

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

22 "(b) Immediately upon establishing a new residence,
23 accepting employment, accepting a volunteer position, or
24 beginning school attendance, the adult sex offender shall
25 appear in person to register with local law enforcement in

1 each county in which the adult sex offender establishes a
2 residence, accepts employment, accepts a volunteer position,
3 or begins school attendance.

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

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

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

"(e) (1) Upon changing any required registration information, including by transferring or terminating a residence the adult sex offender shall immediately appear in person and update the information with local law enforcement in each county in which the adult sex offender resides. Provided, however, any changes in telephone numbers, email addresses, instant message addresses, or other on-line identifiers or Internet service providers may be reported to local law enforcement in person, electronically, or telephonically as required by the local law enforcement agency.

"(2) Notwithstanding any other provision of law regarding the establishment of residence, an adult sex offender has transferred or terminated his or her residence for purposes of subdivision (1) whenever the 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 completing a travel notification document pursuant to Section 15-20A-15.

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

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

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

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

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

"§15-20A-11.

"(a) No adult sex offender shall establish a residence, or maintain a residence after release or conviction, or establish any other living accommodation within 2,000 feet of the property on which any school, childcare

1 facility, or resident camp facility is located unless
 2 otherwise exempted pursuant to Sections 15-20A-23 and
 3 15-20A-24. For the purposes of this section, a resident camp
 4 facility includes any place, area, parcel, or tract of land
 5 which contains permanent or semi-permanent facilities for
 6 sleeping owned by a business, church, or nonprofit
 7 organization used primarily for educational, recreational, or
 8 religious purposes for minors and the location of the resident
 9 camp has been provided to local law enforcement. Resident camp
 10 does not include a private residence, farm, or hunting or
 11 fishing camp.

12 "(b) No adult sex offender shall establish a
 13 residence or maintain a residence after release or
 14 conviction, ~~or establish any other living accommodation~~ within
 15 2,000 feet of the property on which his or her former victim,
 16 or an immediate family member of the victim, resides unless
 17 otherwise exempted pursuant to Section 15-20A-24 or Section
 18 15-20A-16.

19 "(c) Changes to property within 2,000 feet of a
 20 registered address of an adult sex offender which occur after
 21 the adult sex offender establishes residency shall not form
 22 the basis for finding that the adult sex offender is in
 23 violation of this section unless the sex offender has been
 24 released or convicted of a new offense after establishing
 25 residency.

1 "(d) No adult sex offender shall ~~establish or~~
 2 ~~maintain a residence or any other living accommodation~~ reside
 3 or conduct an overnight visit with a minor. ~~For the purpose of~~
 4 ~~this subsection, living accommodation includes, but is not~~
 5 ~~limited to, any overnight visit with a minor.~~ Notwithstanding
 6 the foregoing, an adult sex offender may reside with a minor
 7 if the adult sex offender is the parent, grandparent,
 8 stepparent, sibling, or stepsibling of the minor, unless one
 9 of the following conditions applies:

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

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

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

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

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

4 "(e) (1) Notwithstanding any other provision of law
5 regarding establishment of residence, an adult sex offender
6 shall be deemed to have established a residence ~~in any of the~~
7 ~~following circumstances:~~

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

10 "~~(2)~~ ~~Wherever an adult sex offender wherever he or~~
11 ~~she~~ resides following release, regardless of whether the adult
12 sex offender resided at the same location prior to the time of
13 conviction.

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

17 "~~(4)~~ ~~Whenever an~~ (2) Notwithstanding any other
18 provision of law regarding establishment of residence, an
19 adult sex offender has transferred his or her residence for
20 purposes of Section 15-20A-10(e) (1) whenever the adult sex
21 offender vacates his or her residence or fails to spend three
22 or more consecutive days at his or her residence without
23 previously notifying local law enforcement or obtaining a
24 travel permit notification document pursuant to Section
25 15-20A-15.

1 "(f) An adult sex offender is exempt from
2 subsections (a) and (b) during the time ~~an~~ the adult sex
3 offender is ~~admitted to a hospital in the facility of a~~
4 licensed health care provider or is incarcerated in a jail,
5 prison, mental health facility, or any other correctional
6 placement facility wherein the adult sex offender is not
7 allowed unsupervised access to the public.

8 "(g) An adult sex offender shall not be found in
9 violation of subsection (a) on the basis of any address,
10 street number, place, or parcel that has been approved in
11 writing by local law enforcement prior to establishing a
12 residence. Local law enforcement shall promulgate, publicize,
13 and enforce a policy that affords sex offenders a reasonable
14 opportunity to obtain preapproval of a proposed residence.

15 "~~(g)~~ (h) For the purposes of this section, the
16 2,000-foot measurement shall be taken in a straight line from
17 nearest property line to nearest property line.

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

20 "\$15-20A-12.

21 "(a) An adult sex offender who no longer has a fixed
22 residence shall be considered homeless and shall appear in
23 person and report such change in fixed residence to local law
24 enforcement where he or she is located immediately upon such
25 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 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~~ residence 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 a volunteer position at any school, childcare facility, mobile vending business that provides services primarily to children, or any other business or organization that provides services primarily to children, or any amusement or water park.

"(b) No adult sex offender shall ~~apply for~~ accept or maintain employment or a volunteer position ~~for any~~

1 ~~employment or vocation~~ within 2,000 feet of the property on
 2 which a school or childcare facility is located unless
 3 otherwise exempted pursuant to Sections 15-20A-24 and
 4 15-20A-25.

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

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

17 "(e) It shall be unlawful for the owner or operator
 18 of any childcare facility or any other organization that
 19 provides services primarily to children to knowingly provide
 20 employment ~~employ~~ or ~~accept~~ a volunteer services from
 21 position to an adult sex offender.

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

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

3 "\$15-20A-14.

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

10 "(b) Any adult sex offender who enters this state to
 11 accept employment, ~~carry on a vocation,~~ or a volunteer
 12 position or to become a student shall immediately appear in
 13 person and register all required registration information with
 14 local law enforcement in the county where the adult sex
 15 offender accepts employment, ~~carries on a vocation,~~ or the
 16 volunteer position or becomes a student.

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

20 "(d) Within 30 days of initial registration, the
 21 adult sex offender shall provide each registering agency with
 22 a certified copy of his or her sex offense conviction;
 23 however, an adult sex offender shall be exempt from this
 24 subsection if the adult sex offender provides adequate

1 documentation that the certified record is no longer available
2 or has been destroyed.

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

5 "\$15-20A-15.

6 " (a) ~~Prior to Immediately before~~ an adult sex
7 offender temporarily ~~leaving from~~ leaves his or her county of
8 residence for a period of three or more consecutive days, the
9 adult sex offender shall report ~~such information~~ in person
10 ~~immediately prior to leaving his or her county of residence~~
11 ~~for such travel~~ to the sheriff in each county of residence and
12 complete and sign a travel notification document.

13 " (b) ~~The adult sex offender shall complete a travel~~
14 ~~permit form immediately prior to travel and provide the~~ The
15 travel notification document shall be a form prescribed by the
16 Alabama State Law Enforcement Agency to collect dates of
17 travel, the intended destination or destinations, and
18 temporary lodging information, and any other information
19 reasonably necessary to monitor a sex offender who plans to
20 travel.

21 " (c) If a sex offender intends to travel to another
22 country, he or she shall report in person to the sheriff in
23 each county of residence and complete a travel notification
24 document at least 21 days prior to such travel. If the travel
25 to another country is for a family or personal medical

1 emergency or a death in the family, then the sex offender
2 shall report in person to the sheriff in each county of
3 residence immediately prior to travel. Any information
4 reported to the sheriff in each county of residence shall
5 immediately be reported to the United States Marshals Service
6 and the Alabama State Law Enforcement Agency.

7 " (d) The travel permit notification document shall
8 explain the duties of the adult sex offender regarding travel
9 as prescribed by the Alabama State Law Enforcement Agency and
10 a certification that the adult sex offender understands the
11 ~~The adult sex offender shall sign the travel permit stating~~
12 ~~that he or she~~ duties required of him or her. ~~If the adult sex~~
13 ~~offender refuses to sign the travel permit form, the travel~~
14 ~~permit shall be denied and that the information he or she~~
15 provided on the travel notification document is true and
16 correct. No sex offender shall provide false information on
17 the travel notification document.

18 " (e) The sheriff in each county of residence shall
19 immediately notify local law enforcement in the county or the
20 jurisdiction to which the adult sex offender will be
21 traveling.

22 " (f) Upon return to the county of residence, the
23 adult sex offender shall immediately report to the sheriff in
24 each county of residence.

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

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

"§15-20A-16.

"(a) No adult sex offender shall contact, directly or indirectly, in person or through others, by phone, mail, or electronic means, any former victim. ~~No sex offender shall make any harassing communication, directly or indirectly, in person or through others, by phone, mail, or electronic means to the victim or any immediate family member of the victim.~~

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

"(c) No sex offender shall make any harassing communication, directly or indirectly, in person or through others, by phone, mail, or electronic means to the victim or any immediate family member of the victim.

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

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

"(2) The court finds by clear and convincing evidence that the victim's court appearance and written request pursuant to subdivision (1) were made voluntarily.

"(3) The victim is over the age of 19 at the time of the request.

~~"(3) The sex offense is an offense included in Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67, of if the crime was 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 Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67.~~

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

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

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

"§15-20A-18.

"(a) Every adult sex offender who is a resident of this state shall obtain from the Alabama State Law Enforcement Agency, and always have in his or her possession, a valid driver license or identification card issued by the Alabama State Law Enforcement Agency. If any adult sex offender is ineligible to be issued a driver license or official identification card, the Alabama State Law Enforcement Agency shall provide the adult sex offender some other form of 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 obtain from the Alabama State Law Enforcement Agency a valid driver license or identification card 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 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, at a minimum, 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 Alabama State Law Enforcement Agency any other driver license or identification card previously issued to him or her by a state motor vehicle agency which does not bear any designation enabling law enforcement officers to identify the licensee as a sex offender. Nothing in this section shall require an adult sex offender to relinquish, or preclude an adult sex offender from possessing, any form of identification issued to him or her by an entity other than a state motor vehicle agency, including, but not limited to, the United States, a federal department or agency, a municipal or county government entity, an educational institution, or a private employer.

(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 by the Alabama State

1 Law Enforcement Agency and which bears any designation
 2 enabling law enforcement officers to identify the licensee as
 3 a sex offender. An adult sex offender having in his or her
 4 possession a driver license or identification card issued to
 5 him or her by the Alabama State Law Enforcement Agency bearing
 6 any designation enabling law enforcement officers to identify
 7 the licensee as a sex offender which has been mutilated,
 8 marred, changed, reproduced, altered, defaced, disfigured, or
 9 otherwise changed shall be prima facie evidence that he or she
 10 has violated this section.

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

13 "§15-20A-21.

14 "(a) Immediately upon the release of an adult sex
 15 offender or immediately upon notice of where the adult sex
 16 offender plans to establish, or has established a fixed
 17 residence, the following procedures shall apply:

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

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

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

20 "(b) A community notification flyer shall be made by
 21 regular mail or hand delivered to all legal residences
 22 required by this section and include registration information
 23 pursuant to Section 15-20A-8. In addition, any other method
 24 reasonably expected to provide notification may be utilized,
 25 including, but not limited to, posting a copy of the notice in

1 a prominent place at the office of the sheriff and at the
2 police station closest to the declared fixed residence of the
3 released adult sex offender, publicizing the notice in a local
4 newspaper, posting electronically, including the Internet, or
5 other means available.

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

14 "(d) When ~~an~~ a homeless adult sex offender declares
15 ~~that he or she is homeless who lacks a fixed residence~~
16 registers pursuant to Section 15-20A-12, notification shall be
17 provided by posting a copy of the notice in a prominent place
18 at the office of the sheriff and at the police station closest
19 to the declared residence of the released adult sex offender,
20 publicizing the notice in a local newspaper, or posting the
21 notice electronically, including the Internet or other means
22 available.

23 "\$15-20A-23.

24 "(a) A sex offender required to register under this
25 chapter may petition the court for relief from the residency

1 restriction pursuant to subsection (a) of Section 15-20A-11
2 during the time a sex offender is terminally ill or
3 permanently immobile, or the sex offender has a debilitating
4 medical condition requiring substantial care or supervision or
5 requires placement in a residential health care facility.

6 "(b) A petition for relief pursuant to this section
7 shall be filed in the civil division of the circuit court of
8 the county in which the sex offender seeks relief from the
9 residency restriction.

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

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

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

17 "(3) Local law enforcement where the sex offender
18 was adjudicated or convicted if the sex offender was
19 adjudicated or convicted in this state.

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

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

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

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

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

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

12 "(5) A release allowing the prosecuting attorney or
13 the court to obtain any other medical records or documentation
14 relevant to the petition.

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

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

22 "(f) The court shall hold a hearing within 30 days
23 of the filing of the petition. Upon request of the prosecuting
24 attorney, and for good cause shown, the hearing may be
25 continued to allow the prosecuting attorney to obtain any

1 relevant records pertinent to the hearing. At the hearing the
2 prosecuting attorney and the victim shall have the opportunity
3 to be heard.

4 "(g) The court ~~may~~ shall issue an order releasing
5 the sex offender from the residency restrictions pursuant to
6 subsection (a) of Section 15-20A-11 if the court finds by
7 clear and convincing evidence that the sex offender (1) is
8 terminally ill, permanently immobile, has a debilitating
9 medical condition requiring substantial care or supervision,
10 or requires placement in a residential health care facility
11 and (2) does not pose a substantial risk of perpetrating any
12 future dangerous sexual offense or that the sex offender is
13 not likely to reoffend. The court may relieve a sex offender
14 from any residency restrictions indefinitely or for a specific
15 period of time.

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

20 "(i) If the court finds that the sex offender still
21 poses a risk, has provided false or misleading information in
22 support of the petition, or failed to serve the petition and
23 supporting documentation upon the parties as provided for in
24 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, 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, and comply with the residency restriction pursuant to subsection (a) of Section 15-20A-11.

"(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) Upon request of the state, the court may petition the court to reinstate the restrictions pursuant to subsection (a) of Section 15-20A-11 for good cause shown, including, but not limited to, whenever the grounds for a relief order issued pursuant to subsection (g) are revealed to

be false or no longer true. No filing fee may be assessed for a petition filed under this subsection.

"(n) Notwithstanding any state or local rule assigning costs and fees for filing and processing civil and criminal cases, a sex offender's petition under this section shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 15-20A-46. The filing fee may be waived initially and taxed as costs at the conclusion of the case if the court finds that payment of the fee will constitute a substantial hardship. A verified statement of substantial hardship, signed by the sex offender and approved by the court, shall be filed with the clerk of court.

"(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 court for relief from registration and notification the requirements of this chapter resulting from any of the

1 following offenses, provided that he or she meets the
2 requirements set forth in subsection (b):

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

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

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

9 "(4) Sexual misconduct, as provided by Section
10 13A-6-65.

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

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

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

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

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

1 "(3) At the time of the commission of the sex
2 offense, the sex offender was less than five years older than
3 the victim.

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

7 "(1) If the adult or youthful offender sex offender
8 was adjudicated or convicted in this state, the petition for
9 relief shall be filed in the civil division of the circuit
10 court where the adult or youthful offender sex offender was
11 adjudicated or convicted.

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

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

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

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

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

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

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

9 "d. Local law enforcement where the adult sex
10 offender resides.

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

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

16 "(1) The offense that the sex offender was initially
17 charged with and the offense that the sex offender was
18 adjudicated or convicted of, if different.

19 "(2) A certified copy of the adjudication or
20 conviction requiring registration including a detailed
21 description of the sex offense, if the petition is filed upon
22 completion of probation or a term of registration.

23 "(3) Proof of the age of the victim and the age of
24 the sex offender at the time of the commission of the sex
25 offense.

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

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

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

10 "(f) Upon notification of the petition, the
11 prosecuting attorney shall make reasonable efforts to notify
12 the victim of the crime for which the sex offender is required
13 to register of the petition and the dates and times of any
14 hearings or other proceedings in connection with the petition.

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

18 "(h) The court shall issue an order releasing the
19 sex offender from some or all requirements of this chapter
20 pursuant to subsection (i) if the court finds by clear and
21 convincing evidence that the sex offender does not pose a
22 substantial risk of perpetrating any future sex offense. In
23 determining whether to grant relief, the court may consider
24 any of the following:

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

5 "(2) Recommendations from the prosecuting attorney.

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

8 "(4) The facts and circumstances surrounding the
9 offense.

10 "(5) The relationship of the parties.

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

12 "(7) The protection of society.

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

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

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

23 "(k) A sex offender is not eligible for relief under
24 this section if he or she was adjudicated or convicted of a
25 sex offense previous to or subsequent to the offense of which

1 he or she is petitioning the court for relief or has any
2 pending criminal charges for any sex offense.

3 "(1) If In addition to sex offenders adjudicated or
4 convicted of a sex offense on or after July 1, 2011, a sex
5 offender was adjudicated or convicted of any of the offenses
6 specified in subsection (a) prior to July 1, 2011, and who
7 meets the eligibility requirements specified in subsection
8 (b), except as otherwise provided for in subsection (k), the
9 sex offender may petition the court for relief pursuant to
10 this section.

11 "(m) Notwithstanding any state or local law or rule
12 assigning costs and fees for filing and processing civil and
13 criminal cases, except when this relief is sought at the time
14 of sentencing or disposition, a sex offender's petition under
15 this section shall be assessed a filing fee in the amount of
16 two hundred dollars (\$200) to be distributed as provided in
17 Section 15-20A-46. The filing fee may be waived initially and
18 taxed as costs at the conclusion of the case if the court
19 finds that payment of the fee will constitute a substantial
20 hardship. A verified statement of substantial hardship, signed
21 by the sex offender and approved by the court, shall be filed
22 with the clerk of court.

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

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

4 "\$15-20A-25.

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

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

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

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

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

21 "(5) Sexual torture, as provided by Section
22 13A-6-65.1.

23 "(6) Any sex offense involving a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 "(f) The court shall issue an order releasing the
2 sex offender from the requirements of the employment
3 restrictions pursuant to subsection (b) of Section 15-20A-13
4 if the court finds by clear and convincing evidence that the
5 sex offender does not pose a substantial risk of perpetrating
6 any future sex offense. The court may consider any of the
7 following 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 Alabama State Law Enforcement
18 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.

24 "(i) The Upon request of the state, the court may
25 petition the court to reinstate the restrictions pursuant to

1 subsection (b) of Section 15-20A-13 for good cause shown,
 2 including, but not limited to, whenever the grounds for a
 3 relief order issued pursuant to subsection (f) are revealed to
 4 be false or no longer true. No filing fee may be assessed for
 5 a petition filed under this subsection.

6 "(j) Notwithstanding any state or local law or rule
 7 assigning costs and fees for filing and processing civil and
 8 criminal cases, except when this relief is sought at the time
 9 of sentencing, a sex offender's petition under this section
 10 shall be assessed a filing fee in the amount of two hundred
 11 dollars (\$200) to be distributed as provided in Section
 12 15-20A-46. The filing fee may be waived initially and taxed as
 13 costs at the conclusion of the case if the court finds that
 14 payment of the fee will constitute a substantial hardship. A
 15 verified statement of substantial hardship, signed by the sex
 16 offender and approved by the court, shall be filed with the
 17 clerk of court.

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

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

24 "\$15-20A-26.

1 "(a) Upon adjudication of delinquency for a sex
 2 offense, a juvenile sex offender shall be required to receive
 3 sex offender treatment by a sex offender treatment program or
 4 provider approved by the Department of Youth Services.

5 "(b) Upon completion of sex offender treatment, the
 6 juvenile sex offender shall be required to undergo a sex
 7 offender risk assessment. The treatment provider shall provide
 8 a copy of the risk assessment to the sentencing court, the
 9 prosecuting attorney, and the juvenile probation office not
 10 less than 60 days prior to the projected release of the
 11 juvenile sex offender from a facility where the juvenile sex
 12 offender does not have unsupervised access to the public or
 13 immediately upon completion of the risk assessment if the
 14 juvenile sex offender is not in a facility where the juvenile
 15 sex offender does not have unsupervised access to the public.

16 "(c) Upon receiving the risk assessment, the
 17 juvenile probation office shall provide a copy of the risk
 18 assessment to the state and either the attorney for the
 19 juvenile sex offender or the parent, guardian, or custodian of
 20 the juvenile sex offender. In addition, the juvenile probation
 21 office shall immediately notify the attorney for the juvenile
 22 sex offender and either the parent, guardian, or custodian of
 23 the pending release of the juvenile sex offender from a
 24 facility where the juvenile sex offender does not have
 25 unsupervised access to the public.

1 "(d) Within 60 days of receiving the risk
2 assessment, the court shall conduct a hearing to determine the
3 risk of the juvenile sex offender to the community and the
4 level of notification that shall apply.

5 "(e) No juvenile sex offender shall be removed from
6 the supervision of the ~~sentencing~~ juvenile court until such
7 time as the juvenile sex offender has completed treatment, the
8 treatment provider has filed a risk assessment with the
9 sentencing court, and the sentencing court has conducted a
10 hearing to determine the risk of the juvenile sex offender to
11 the community and the level of notification that shall apply.

12 "\$15-20A-27.

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

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

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

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

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

7 "(5) The relationship between the juvenile sex
8 offender and the victim.

9 "(6) The particular facts and circumstances
10 surrounding the offense.

11 "(7) The level of planning and participation in the
12 offense.

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

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

16 "(10) The response to treatment of the juvenile sex
17 offender.

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

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

22 "(13) The protection of society.

23 "(14) Any other factors deemed relevant by the
24 court.

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

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

22 "(2) If the risk of re-offense is moderate,
23 notification that the juvenile sex offender will be
24 establishing, or has established, ~~his or her~~ a fixed residence
25 shall be provided by local law enforcement to all schools and

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

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

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

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

19 "\$15-20A-28.

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

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

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

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

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

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

11 "(6) Any offense, committed in this state or any
12 other jurisdiction, comparable to or more severe than
13 aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or
14 (b).

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

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

24 "(c) A juvenile sex offender who is not subject to
25 lifetime registration pursuant to subsection (a), shall be

1 subject to this chapter for a period of 10 years from the last
2 date of release from the offense subjecting the juvenile sex
3 offender to registration in accordance with this chapter first
4 registration.

5 "~~(d)~~ If a juvenile sex offender required to register
6 under this chapter is civilly committed, hospitalized, or
7 re-incarcerated for another offense or, as the result of
8 having violated the terms of probation, parole, or aftercare,
9 fails to register or fails to comply with the requirements of
10 this chapter, the registration requirements and the remaining
11 period of time for which the juvenile sex offender shall
12 register shall be tolled during the period of commitment,
13 hospitalization, re-incarceration, or noncompliance.

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

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

24 "\$15-20A-31.

1 "(a) During the time a juvenile sex offender is
2 subject to the registration requirements of this chapter, the
3 juvenile sex offender shall not ~~apply for, accept, or maintain~~
4 ~~employment or vocation, or a volunteer position for any~~
5 ~~employment or vocation~~ at any school, childcare facility, or
6 any other business or organization that provides services
7 primarily to children.

8 "(b) It shall be unlawful for the owner or operator
9 of any childcare facility or any other organization that
10 provides services primarily to children to knowingly ~~employ~~
11 ~~provide employment~~ or ~~accept a volunteer services from~~
12 ~~position to~~ a juvenile sex offender.

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

15 "§15-20A-32.

16 "(a) A juvenile sex offender or youthful offender
17 sex offender, or equivalent thereto, who is not currently a
18 resident of this state, shall immediately appear in person and
19 register all required registration information upon
20 establishing a residence, accepting employment or a volunteer
21 position, or beginning school attendance in this state with
22 local law enforcement in each county where the juvenile sex
23 offender or youthful offender sex offender resides or intends
24 to reside, accepts employment or a volunteer position, or
25 begins school attendance.

1 "(b) Within 30 days of initial registration, the
2 juvenile sex offender or youthful offender sex offender shall
3 provide each registering agency with a certified copy of his
4 or her sex offense adjudication; however, a juvenile sex
5 offender or youthful offender sex offender shall be exempt
6 under this subsection if the court of adjudication seals the
7 records and refuses to provide a certified copy or the records
8 have been destroyed by the court.

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

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

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

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

3 "\$15-20A-34.

4 "(a) A juvenile sex offender subject to lifetime
5 registration pursuant to Section 15-20A-28 may file a petition
6 requesting the sentencing juvenile court to enter an order
7 relieving the juvenile sex offender of the requirements
8 pursuant to this chapter 25 years after the juvenile sex
9 offender is released from the custody of the Department of
10 Youth Services or sentenced, if the juvenile sex offender was
11 placed on probation, for the sex offense requiring
12 registration pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 "(e) Upon notification of the petition, the
10 prosecuting attorney shall make reasonable efforts to notify
11 the victim of the offense for which the juvenile sex offender
12 is required to register of the petition and of the dates and
13 times of any hearings or other proceedings in connection with
14 the petition.

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

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

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

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

6 "(3) Recommendations from the prosecuting attorney.

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

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

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

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

20 "(8) The protection of society.

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

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

1 "(i) The court shall provide a copy of any order
2 granting relief to the prosecuting attorney and to the Alabama
3 State Law Enforcement Agency.

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

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

16 "(l) Notwithstanding any state or local law or rule
17 assigning costs and fees for filing and processing civil and
18 criminal cases, the fee for filing the petition for relief
19 under this section shall be two hundred dollars (\$200) to be
20 distributed as provided in Section 15-20A-46. The filing fee
21 may be waived initially and taxed as costs at the conclusion
22 of the case if the court finds that payment of the fee will
23 constitute a substantial hardship. A verified statement of
24 substantial hardship, signed by the sex offender and approved
25 by the court, shall be filed with the clerk of court.

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

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

7 "\$15-20A-37.

8 "(a) When a sex offender declares, and the county is
9 notified that a sex offender intends to reside, ~~be employed~~
10 maintain employment or a volunteer position, or attend school
11 in the county and the sex offender fails to appear for
12 registration, the county that received the notice shall
13 immediately inform the sheriff of the county that provided the
14 notice that the sex offender failed to appear for
15 registration.

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

21 "(c) If no determination can be made as to whether
22 the sex offender has absconded, the sheriff of the county in
23 which the sex offender failed to appear for registration shall
24 immediately notify the Alabama State Law Enforcement Agency
25 and the United States Marshals Service that the sex offender

1 cannot be located and provide any information available to
2 determine whether the sex offender absconded to the United
3 States Marshals Service.

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

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

9 "(2) The sheriff of the county in which the sex
10 offender has absconded shall immediately notify the United
11 States Marshals Service and the Alabama State Law Enforcement
12 Agency.

13 "(3) The Alabama State Law Enforcement Agency shall
14 immediately update its public registry website to reflect that
15 the sex offender has absconded.

16 "(4) The Alabama State Law Enforcement Agency shall
17 immediately notify the Criminal Justice Information Center,
18 who shall immediately notify the National Criminal Information
19 Center.

20 "(5) The Alabama State Law Enforcement Agency shall
21 immediately notify the National Sex Offender Registry to
22 reflect that the sex offender has absconded and enter the
23 information into the National Crime Center Wanted Person File.

24 "(e) A sex offender who knowingly fails to appear
25 for registration after declaring his or her intent to reside,

1 be employed, or attend school in a county without notifying
2 local law enforcement in that county that he or she will no
3 longer establish a residence, maintain employment or a
4 volunteer position, or attend school, shall be guilty of a
5 Class C felony.

6 "§15-20A-42.

7 "(a) Any jurisdiction or agency responsible for
8 registering a sex offender shall immediately forward all
9 required registration information and any changes to the
10 required registration information received to the Alabama
11 State Law Enforcement Agency in a manner determined by the
12 Secretary of the Alabama State Law Enforcement Agency and
13 promulgated in rule by the secretary upon recommendation of an
14 advisory board consisting of representatives of the office of
15 the Attorney General, District Attorneys Association, Chiefs
16 of Police Association, Sheriffs Association, and the Alabama
17 State Law Enforcement Agency. The advisory board members shall
18 not receive any compensation or reimbursement for serving on
19 the advisory board.

20 "(b) Upon notification or discovery of the death of
21 a sex offender, the registering agency shall immediately
22 notify the Alabama State Law Enforcement Agency.

23 "(c) The Alabama State Law Enforcement Agency shall
24 immediately enter all registration information received into
25 its sex offender database.

"(d) All information received by the Alabama State Law Enforcement Agency shall be immediately forwarded to the following by the Alabama State Law Enforcement Agency:

"(1) The National Criminal Information Center or any other law enforcement agency for any lawful criminal justice purpose.

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

"(3) The National Sex Offender Registry.

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

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

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

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

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

"(e) Upon request, all registration information shall be available in electric form to all federal, state, county, and municipal law enforcement agencies, prosecuting attorneys, probation officers, and any agency responsible for conducting employment-related background checks under the

National Child Protection Act ~~agencies in electronic form of~~ 1993 (42 U.S.C. 5119a).

"(f) No existing state laws, including, but not limited to, statutes that would otherwise make juvenile and youthful offender records confidential, shall preclude the disclosure of any information requested by a responsible agency, a law enforcement officer, a criminal justice agency, the Office of the Attorney General, or a prosecuting attorney for purposes of administering, implementing, or enforcing this chapter. No state law shall preclude the disclosure of any information concerning a juvenile sex offender or youthful offender sex offender to the Department of Human Resources for the purpose of conducting an assessment with regard to a person as provided by law.

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

"(h) Notwithstanding any other provision of law to the contrary, a sex offender's Internet identifiers as described in subdivision (9) of subsection (a) of Section

15-20A-7, and a sex offender's Internet service providers as described in subdivision (18) of subsection (a) of Section 15-20A-7, may only be disclosed pursuant to federal law or to law enforcement for the purpose of administering, implementing, or enforcing this chapter or to prevent or investigate a crime by the sex offender based on an articulable basis for suspicion. In no event shall such information be disclosed other than for one of the purposes identified in the preceding sentence. A violation of this subsection shall constitute a Class A misdemeanor.

"§15-20A-43.

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

"(b) The Board of Pardons and Paroles shall not grant relief from any provisions of this chapter to any sex offender unless all three of the following conditions are met:

"(1) At the time of the commission of the sex offense, the sex offender was less than five years older than the victim.

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

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

Section 6. Although this bill would have as its purpose or effect the requirement of a new or increased 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 7. 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.

SB301

Due West

President and Presiding Officer of the Senate

Mac McElhin

Speaker of the House of Representatives

SB301

Senate 13-APR-17
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 19-MAY-17

By: Senator Figures

APPROVED *May 26, 2017*

TIME *2:30 pm*

Ray Ivey
GOVERNOR

Page 86

Alabama Secretary Of State
Act Num.....: 2017-414
Bill Num.....: S-301
Rec'd 05/26/17 03:13 PM SLF

SPONSOR
Figures
CO-SPONSORS
Ward

SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill. SB 301

yeas 38 nays 0 abstain 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

Clerk

HOUSE ACTION

DATE: 4-18 2017

RD 1 RFD 10-24

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Justice was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amen(s) no w/sub no.
This 27 day of April, 2017
Michael J. ... Chairperson

DATE: 4-27 2017

RF RD 2 CAL

DATE: 20__

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, SB 301

YEAS _____ NAYS _____
JEFF WOODARD,