

1 HB755  
2 118960-1  
3 By Representatives Treadaway, McCutcheon, Canfield and Drake  
4 RFD: Judiciary  
5 First Read: 23-MAR-10

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8 SYNOPSIS: Existing law requires a criminal sex  
9 offender to register with the sheriff of the county  
10 of his or her legal residence.

11 This bill would require a registration fee  
12 upon initial registration and annually thereafter  
13 and would provide penalties for failure to pay the  
14 registration fee.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.  
8

9   A BILL  
10    TO BE ENTITLED  
11    AN ACT  
12

13                   To add a new Section 13A-11-200.1 to the Code of  
14                   Alabama 1975, relating to registration of criminal sex  
15                   offenders; to require a registration fee upon initial  
16                   registration and annually thereafter; to provide penalties;  
17                   and in connection therewith to have as its purpose or effect  
18                   the requirement of a new or increased expenditure of local  
19                   funds within the meaning of Amendment 621 of the Constitution  
20                   of Alabama of 1901, now appearing as Section 111.05 of the  
21                   Official Recompilation of the Constitution of Alabama of 1901,  
22                   as amended.

23                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24                   Section 1. Section 13A-11-200.1 is added to the Code  
25                   of Alabama 1975, to read as follows:

26                   §13A-11-200.1.

1 (a) (1) An offender required to register as a  
2 criminal sex offender pursuant to Section 13A-11-200 shall pay  
3 to the sheriff of the county of his or her legal residence a  
4 registration fee of sixty dollars (\$60) to defray the cost of  
5 maintaining the record of the offender.

6 (2) The payment of the registration fee shall be  
7 pursuant to any rules regarding indigency adopted by the court  
8 where the offender was convicted or as determined by criteria  
9 established by the Department of Corrections.

10 (3) The offender shall pay the fee upon his or her  
11 initial registration and annually thereafter.

12 (4) Failure of the offender to pay the fee within 30  
13 days of initial registration or within 30 days of the annual  
14 due date after initial registration shall constitute a failure  
15 to register.

16 (5) The offender may not be prevented from  
17 registering pursuant to Section 13A-11-200 for failure to pay  
18 the registration fee.

19 (b) (1) An offender who fails to pay the registration  
20 fee pursuant to this section shall be guilty of a Class B  
21 misdemeanor and fined not more than five hundred dollars  
22 (\$500), imprisoned, or both.

23 (2) Upon a second or subsequent conviction of  
24 failure to pay the registration fee, an offender shall be  
25 guilty of a Class C felony and fined not more than one  
26 thousand dollars (\$1,000), imprisoned, or both.

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621, now  
5                   appearing as Section 111.05 of the Official Recompilation of  
6                   the Constitution of Alabama of 1901, as amended, because the  
7                   bill defines a new crime or amends the definition of an  
8                   existing crime.

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