

1 SB471
2 117464-2
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 25-FEB-10

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8 SYNOPSIS: Existing law provides for community
9 notification of released convicted sex offenders.
10 This bill would extensively amend existing law as
11 generally stated herein, including changes to
12 conform to federal law.

13 Under existing law, certain terms are
14 defined for purposes of community punishments and
15 corrections and community notification of released
16 convicted sex offenders.

17 This bill would further define the terms
18 "authority," "adult criminal sex offender,"
19 "community notification flyer," "criminal sex
20 offense," "employment," "excluded felony
21 offenders," "juvenile criminal sex offender,"
22 "responsible agency," "sexually violent predator,"
23 and would define the terms "authority," "local law
24 enforcement official," "lodging," "required online
25 identifier," "sex offender," and "temporary lodging
26 information."

1 Under existing law, certain procedures,
2 requirements, and criteria are established
3 regarding: Adult criminal offenders prior to
4 release, the transfer and establishment of legal
5 residence, the verification of legal residence,
6 notice of intent to change place of employment,
7 community notification, registration by a
8 nonresident worker or student, and notice of
9 employment or enrollment at a school or institution
10 of higher education. Current law also provides for
11 adjudging an offender to be a sexually violent
12 predator and identification documentation.

13 This bill would specify application to sex
14 offenders who were not considered an adult sex
15 offender prior to the effective date of this bill
16 as enacted; increase from 45 days to 180 days prior
17 to the release of an adult criminal sex offender
18 registration by the offender of certain specified
19 information, for the verification of such
20 information, and upon failure to comply, in
21 addition to current penalties for the offender to
22 be arrested and transported to the sheriff of the
23 county of last conviction for prosecution or, when
24 applicable, loss of accumulated correctional
25 incentive time and denial of early release; would
26 further provide for verification of residence, and
27 various time periods therefor, to the local law

1 enforcement official to be forwarded to the
2 Department of Public Safety, the Attorney General,
3 and sheriff of county of residence and penalties
4 for failure to comply; would require in person
5 change of residential address or employment with
6 new information forwarded to the Department of
7 Public Safety, the Alabama Criminal Justice
8 Information Center, the Attorney General, and local
9 law enforcement officials, and provide penalties
10 for failure to comply; would require certain
11 offenders of certain sex offenses to verify within
12 a specified time their place of residence and
13 penalties for failure to comply; would provide for
14 treatment of notice from federal, military, tribal,
15 or foreign country jurisdiction; would require each
16 criminal sex offender to sign a form regarding duty
17 to register; would require community notification
18 to certain hotels and motels; would provide through
19 the Department of Public Safety Internet registry
20 for each adult sex offender; would require
21 supplying information to certain federal entities;
22 would require maintaining information in a
23 digitized format; would compile a list of persons
24 who failed to register; would require registration
25 by nonresident workers and students and penalties
26 for failure to comply; would require in person
27 registration of employment and enrollment at school

1 or institution of higher education and changes with
2 the local law enforcement official and penalties
3 for failure to comply; would require registration
4 by an offender considered a sexually violent
5 predator and provide penalties for failure to
6 comply; would require the reporting of required
7 online identifier and the use of such information;
8 would further provide that an adult criminal sex
9 offender is prohibited from residing within a
10 certain distance of a Boys and Girls Club or YMCA;
11 would prohibit the offender from coming within 300
12 feet of his or her former victim; would prohibit
13 entering school property with certain exceptions;
14 would prohibit supervision of a child under the age
15 of 12 in a home where an offender is a resident,
16 and would provide penalties for failure to comply;
17 would prohibit a juvenile criminal sex offender
18 from residing in the residence where the victim
19 resides or on the same lot or parcel; and would
20 require an adult criminal sex offender to obtain a
21 driver's license or identification card with a
22 specific designation to enable law enforcement
23 officers to identify the licensee as an offender.

24 Under existing law, a juvenile criminal sex
25 offender is subject to risk assessment and
26 notification, certain requirements prior to
27 release, verification of residence, when treated as

1 an adult, escape procedures, exemptions, name
2 change, victim assistance, and disclosure of
3 information.

4 This bill would require any juvenile
5 criminal sex offender who is adjudicated delinquent
6 to register as an adult criminal sex offender
7 within 30 days of release and such offender is not
8 entitled to a risk assessment; would require notice
9 within three business days by the parent, guardian,
10 or custodian concerning residing outside of state
11 to the sheriff of the county; would require upon
12 the age of 18 for the juvenile offender to register
13 as an adult criminal sex offender; would require
14 the verification form be submitted to the local law
15 enforcement official where the juvenile criminal
16 sex offender resides; would prohibit community
17 notification if not ordered by the sentencing
18 court; would further provide when a juvenile
19 criminal sex offender is treated as an adult
20 criminal sex offender; would prohibit a juvenile
21 criminal sex offender from residency restrictions;
22 would provide for the offender to be subject to
23 registration for 10 years from the last date of
24 release, unless subject to registration as an
25 adult; would prohibit expungement; and would
26 provide a penalty for failure of an adult criminal

1 sex offender to notify of a name change within
2 three business days.

3 Under existing law, the Commissioner of
4 Corrections is not prohibited from granting
5 temporary leave from prison or Christmas furloughs
6 to a prisoner convicted of a criminal sex offense.

7 This bill would make such restrictions.

8 Existing law does not prohibit the Board of
9 Pardons and Paroles from approving or ordering a
10 parole or pardon of a person convicted of certain
11 criminal sex offenses.

12 This bill would make such provision.

13 This bill would add to the Code of Alabama
14 1975, Section 15-20-21.1, relating to application
15 to current sex offenders; Section 15-20-24.1,
16 relating to venue; Section 15-20-24.2, relating to
17 absence of a sex offender from his or her principal
18 place of residence and would provide penalties for
19 failure to comply; Section 15-20-25.4, relating to
20 verification of required online identifier and the
21 dissemination of such information; website or
22 Internet communication service residence; vehicle
23 and temporary lodging information, telephone
24 number, and cellular phones; an initial
25 verification fee of \$250; a \$35 fee each time there
26 is a change in residence or registration as a
27 nonresident worker or student; Section 15-20-26.3,

1 relating to terms and conditions of probation; and
2 Section 15-20-39 relating to failure to register in
3 person.

4 This bill would create the crime of indecent
5 exposure toward a child and would provide for
6 penalties.

7 This bill would create the crime of video
8 voyeurism and would provide for penalties.

9 This bill would create the crime of aiding
10 and abetting a convicted sex offender and would
11 provide for penalties.

12 Also, this bill would make nontechnical
13 changes.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 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 amend Sections 15-18-171, 15-20-20.1, 15-20-21,
14 15-20-22, as amended by Act 2009-619, 2009 Regular Session
15 (Acts 2009, p. 1791), 15-20-23, 15-20-23.1, 15-20-24,
16 15-20-25, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26,
17 15-20-26.2, 15-20-28, 15-20-29, 15-20-30, 15-20-31, 15-20-32,
18 15-20-33, 15-20-34, 15-20-35, 15-20-36, 15-22-28, and 15-22-36
19 of the Code of Alabama 1975, relating to community punishment
20 and corrections and community notification of released
21 convicted sex offenders; to provide further for definitions;
22 to provide further for adult criminal sex offender's
23 requirements prior to release, transfer, and establishment of
24 legal residence, notice of intent to change place of
25 employment, verification of residence; community notification
26 procedures, registration by nonresident workers and students,
27 notice of employment and enrollment at school or institution

1 of higher education, locations where offender cannot reside,
2 and identity documentation; to provide further for juvenile
3 criminal sex offender risk assessment and notification, prior
4 release requirements, residence verification, when treated as
5 an adult, exemptions, and disclosure information; to provide
6 penalties; to add Sections 15-20-21.1, 15-20-24.1, 15-20-24.2,
7 15-20-25.4, 15-20-26.3, and 15-20-39 to the Code of Alabama
8 1975, to provide for application to current sex offenders; to
9 provide for venue; when absent from residence for more than 72
10 hours; to provide verification of the most current release of
11 an adult criminal sex offender; to provide for the terms and
12 conditions of probation of an adult sex offender; to provide
13 for failure to register in person; and to provide penalties;
14 to establish the crime of indecent exposure toward a child and
15 to provide penalties; to create the crime of aiding and
16 abetting a convicted sex offender and to provide penalties; to
17 create the crime of video voyeurism and to provide penalties;
18 and in connection therewith would have as its purpose or
19 effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 111.05 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 15-18-171, 15-20-20.1, and
26 15-20-21, Code of Alabama 1975, are amended to read as
27 follows:

1 "§15-18-171.

2 "As used in this article, the following terms shall
3 have the following meanings, respectively, unless the context
4 otherwise requires:

5 "(1) APPLICATION PROCESS AND PROCEDURES. The
6 criteria and guidelines developed by the Department of
7 Corrections for the establishment of community punishment and
8 corrections programs, the granting of funds for programs
9 authorized herein, and the monitoring, evaluation, and review
10 of programs funded herein.

11 "(2) AUTHORITY. The Community Punishment and
12 Corrections Authority defined in subdivision (6).

13 "~~(2)~~(3) BOARD. The Board of Directors of the
14 ~~authority~~ Community Punishment and Corrections Authority.

15 "~~(3)~~(4) COMMISSIONER. The Commissioner of the
16 Department of Corrections.

17 "~~(4)~~(5) COMMUNITY. The county or counties comprising
18 one or more judicial circuits.

19 "~~(5)~~(6) COMMUNITY PUNISHMENT AND CORRECTIONS
20 AUTHORITY. A public corporation organized pursuant to the
21 provisions of this article, also known as the "authority" as
22 used in this article.

23 "~~(6)~~(7) COMMUNITY PUNISHMENT AND CORRECTIONS
24 PROGRAM. Any program designed as an alternative to
25 incarceration and maintained by a county commission or an
26 authority or nonprofit entity for the purpose of punishing and
27 for correcting a person convicted of a felony or misdemeanor

1 or adjudicated a youthful offender and which may be imposed as
2 part of a sanction, including, but not limited to confinement,
3 work release, day reporting, home detention, restitution
4 programs, community service, education and intervention
5 programs, and substance abuse programs.

6 "~~(7)~~(8) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A
7 document prepared by the county commission or an authority, or
8 nonprofit entity, and submitted to the Department of
9 Corrections in accordance with the requirements set forth in
10 the application process and procedure, which identifies
11 proposed community-based programs to be implemented within the
12 county in accordance with the terms of this article and
13 justifies the funding of such programs with regard to local
14 need and community support.

15 "~~(8)~~(9) COUNTY COMMISSION CHAIRPERSON. The chair of
16 the county commission or his or her representative.

17 "~~(9)~~(10) COUNTY INMATE. A person convicted of a
18 misdemeanor.

19 "~~(10)~~(11) COURT. The trial judge exercising
20 sentencing jurisdiction over an eligible offender under this
21 article and includes any successor of the trial judge.

22 "~~(11)~~(12) DEPARTMENT. The Department of Corrections.

23 "~~(12)~~(13) DIVISION. The Community Corrections
24 Division within the department that is the state
25 administrative agency responsible for administering this
26 article and assisting in establishing and maintaining
27 community based punishment programs.

1 "~~(13)~~(14) ELIGIBLE. A person who has committed an
2 offense not excluded by subdivision ~~(14)~~(15) and who meets the
3 criteria of Section 15-18-175.

4 "~~(14)~~(15) EXCLUDED FELONY OFFENDERS. One who is
5 convicted of any of the following felony offenses: ~~murder~~
6 Murder, kidnapping in the first degree, rape in the first
7 degree, sodomy in the first degree, arson in the first degree,
8 selling or trafficking in controlled substances, robbery in
9 the first degree, sexual abuse in the first degree, forcible
10 sex crimes, lewd and lascivious acts upon a child, ~~or~~ assault
11 in the first degree if the assault leaves the victim
12 permanently disfigured or disabled, or any criminal sex
13 offense as defined in Section 15-20-21.

14 "~~(15)~~(16) GOVERNING BODY. With respect to a county,
15 its county commission or other like governing body exercising
16 the legislative functions of a county.

17 "~~(16)~~(17) INCORPORATORS. The persons forming a
18 public corporation pursuant to this article.

19 "~~(17)~~(18) NONPROFIT ENTITY. Any not-for-profit
20 organization, agency, or other entity other than a community
21 punishment ~~and corrections~~ authority that provides treatment,
22 guidance, training, or other rehabilitation services to
23 individuals, families, or groups in such areas as health,
24 education, vocational training, special education, social
25 services, psychological counseling, and alcohol and drug
26 treatment.

1 "~~(18)~~(19) PLAN. The community punishment and
2 corrections plan defined in subdivision ~~(7)~~(8).

3 "~~(19)~~(20) RECIPIENT. Any entity receiving directly
4 or indirectly any financial grant or contractual remuneration
5 under this article.

6 "~~(20)~~(21) RENOVATION. The repair, remodeling,
7 alteration, or expansion of existing buildings or structures
8 to make them habitable or suitable for community punishment
9 and corrections program operations, and includes the
10 acquisition and installation of necessary equipment.

11 "~~(21)~~(22) RESTITUTION. Payment to the victim who has
12 suffered financial losses as a result of a crime. Restitution
13 shall include, but not be limited to, payment in cash or in
14 kind for the value of stolen or damaged property; for medical
15 expenses due to physical, emotional, or psychological trauma;
16 wages lost as a result of time absent from work; and value of
17 property lost or transferred through theft or exercise of
18 control by deception or fraud.

19 "~~(22)~~(23) STATE INMATE. A person convicted of a
20 felony.

21 "~~(23)~~(24) USER FEES. Fees assessed against an
22 offender under a community punishment and corrections program
23 to help defray the costs of such programs.

24 "~~(24)~~(25) VICTIM SERVICE OFFICER. A person employed
25 to directly assist crime victims and their families with court
26 attendance, restitution, compensation, property return, victim
27 impact statements, and other needs expressed.

1 "~~(25)~~(26) YOUTHFUL OFFENDER. A person adjudicated as
2 a youthful offender.

3 "§15-20-20.1.

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

15 "The system of registering ~~criminal~~ sex offenders is
16 a proper exercise of the state's police power regulating
17 present and ongoing conduct. Comprehensive registration and
18 periodic address verification will provide law enforcement
19 with additional information critical to preventing sexual
20 victimization and to resolving incidents involving sexual
21 abuse and exploitation promptly. It will allow them to alert
22 the public when necessary for the continued protection of the
23 community.

24 "Persons found to have committed a criminal sex
25 offense have a reduced expectation of privacy because of the
26 public's interest in safety and in the effective operation of
27 government. In balancing offender's due process and other

1 rights, and the interests of public security, the Legislature
2 finds that releasing information about ~~criminal~~ sex offenders
3 to law enforcement agencies and, providing access to or
4 releasing such information about ~~criminal~~ sex offenders to the
5 general public, will further the primary government interest
6 of protecting vulnerable populations and in some instances the
7 public, from potential harm. The Legislature further finds
8 that residency and employment restrictions for ~~criminal~~ sex
9 offenders provide additional protections to vulnerable
10 segments of the public such as schools and child care
11 facilities.

12 "Juvenile criminal sex offenders, like their adult
13 counterparts, pose a danger to the public. Research has shown,
14 however, that there are significant differences between adult
15 and juvenile criminal sexual offenders. Juveniles are much
16 more likely to respond favorably to sexual offender treatment.
17 Juvenile offenders have a shorter history of committing sexual
18 offenses. They are less likely to have deviant sexual arousal
19 patterns and are not as practiced in avoiding responsibility
20 for their abusive behavior. Juveniles are dependent upon
21 adults for food and shelter, as well as the emotional and
22 practical support vital to treatment efforts. Earlier
23 intervention increases the opportunity for success in teaching
24 juveniles how to reduce their risk of sexually re-offending.
25 The Legislature finds that juvenile criminal sex offenders
26 should be subject to the Community Notification Act, but that

1 certain precautions should be taken to target the juveniles
2 that pose the more serious threats to the public.

3 "Therefore, the state policy is to assist local law
4 enforcement agencies' efforts to protect their communities by
5 requiring ~~criminal~~ sex offenders to register, record their
6 address of residence, to be photographed, fingerprinted, to
7 authorize the release of necessary and relevant information
8 about ~~criminal~~ sex offenders to the public, to mandate
9 residency and employment restrictions upon ~~criminal~~ sex
10 offenders, and to provide certain discretion to judges for
11 application of these requirements as provided in this article.

12 "The Legislature declares that its intent in
13 imposing certain reporting and monitoring requirements on
14 ~~criminal~~ sex offenders and requiring community notification of
15 the residence and workplace of ~~criminal~~ sex offenders is not
16 to punish sex offenders, but to protect the public, especially
17 children, from convicted ~~criminal~~ sex offenders.

18 "§15-20-21.

19 "For purposes of this article, the following words
20 shall have the following meanings:

21 "(1) ADULT CRIMINAL SEX OFFENDER. A person convicted
22 of a criminal sex offense, including a person who has pleaded
23 nolo contendere to a criminal sex offense, regardless of
24 whether adjudication was withheld. Except as otherwise
25 specifically provided in this article, this article applies
26 regardless of whether a conviction or adjudication occurred
27 before, on, or after the effective date of this act.

1 "(2) CHILD CARE FACILITY. A licensed daycare center,
2 a licensed child care facility, or any other child care
3 service that is exempt from licensing pursuant to Section
4 38-7-3.

5 "(3) COMMUNITY NOTIFICATION FLYER. This notification
6 shall include the following information on the adult criminal
7 sex offender:

8 "a. Name; actual living address;, including any
9 aliases.

10 "~~sex;~~ b. Sex.

11 "~~date~~ c. Date of birth;.

12 "d. Address of the adult criminal sex offender's
13 residence, and if the adult criminal sex offender does not
14 have a residence address, other information about where the
15 adult criminal sex offender has his or her home or habitually
16 lives, including, but not limited to, information about a
17 certain part of the city that is the adult criminal sex
18 offender's habitual locale, where the adult criminal sex
19 offender stations himself or herself during the day or sleeps
20 at night, shelters among which the adult criminal sex offender
21 circulates, and/or bridges.

22 "~~e. complete~~ Complete physical description,
23 including distinguishing features such as scars, ~~birth marks~~
24 birthmarks, or any identifying physical characteristics; ~~and~~
25 a.

26 "f. A current photograph.

1 ~~"g. This notification shall also include a~~ A
2 statement of the criminal sex offense for which he or she has
3 been convicted,~~including the.~~

4 "h. The age and gender of the victim,~~the.~~

5 "i. The geographic area where the offense occurred,
6 ~~and the.~~

7 "j. The date upon which the adult criminal sex
8 offender will be released. ~~This notification shall also~~
9 ~~include a~~

10 "k. A statement that the ~~same~~ information listed in
11 paragraphs a. to j., inclusive, is on file at the sheriff's
12 office and police headquarters, if a police department has
13 jurisdiction over the adult criminal sex offender's residence,
14 and that the information will be available to the general
15 public for inspection and identification purposes during
16 regular business hours.

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

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

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

26 "c. Sexual misconduct, as proscribed by Section
27 13A-6-65.

1 "~~c.d.~~ Sexual torture, as proscribed by Section
2 13A-6-65.1.

3 "~~d.e.~~ Sexual abuse in the first or second degree as
4 proscribed by Section 13A-6-66 or 13A-6-67.

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

8 "~~f.g.~~ Promoting prostitution in the first or second
9 degree, as proscribed by Section 13A-12-111 or 13A-12-112.

10 "~~g.h.~~ Violation of the Alabama Child Pornography
11 Act, as proscribed by Section 13A-12-191, 13A-12-192,
12 13A-12-196, or 13A-12-197.

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

16 "~~i.j.~~ Incest, as proscribed by Section 13A-13-3,
17 when the offender is an adult and the victim is a minor.

18 "~~j.k.~~ Soliciting a child by computer for the
19 purposes of committing a sexual act and transmitting obscene
20 material to a child by computer, as proscribed by Sections
21 13A-6-110 and 13A-6-111.

22 "l. Indecent exposure toward a child, as proscribed
23 by Section 3.

24 "m. Video voyeurism, as proscribed by Section 4.

25 "n. Any violation of 18 U.S.C. §§ 1591, 2241, 2242,
26 2243, 2244, 2245, 2251, 2251A, 2252, 2252A, 2252B, 2252C,
27 2260, 2421, 2422, 2423, 2424, or 2425; a military offense

1 specified by the Secretary of Defense of the United States
2 under Section 115(a)(8)(C)(i) of Public Law 105-119.

3 "k.o. Any solicitation, attempt, or conspiracy to
4 commit any of the offenses listed in paragraphs a. to j.n.,
5 inclusive, and g.

6 "i.p. Any crime committed in any state, including
7 Alabama, or a federal jurisdiction, military jurisdiction or
8 jurisdiction governed by the Uniform Code of Military Justice,
9 Indian tribal jurisdiction recognized by the United States or
10 the State of Alabama, or a foreign country jurisdiction which,
11 if it had been committed in this state under the current
12 provisions of law, would constitute an offense listed in
13 paragraphs a. to k. o., inclusive. A foreign country
14 conviction is not a criminal sex offense for purposes of this
15 act if it was not obtained with sufficient safeguards for
16 fundamental fairness and due process for the accused as
17 established by the United States Department of State.

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

1 "r. Notwithstanding any other provision of law, any
2 offender determined in any other state or jurisdiction to be a
3 sex offender shall be considered a sex offender in this state.

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

8 "(6) EMPLOYMENT. Includes employment that is
9 full-time or part-time for any period, whether financially
10 compensated, volunteered, or for the purpose of government or
11 educational benefit, self-employment, or employment as an
12 independent contractor or day laborer.

13 "(7) JUVENILE CRIMINAL SEX OFFENDER. An individual
14 adjudicated delinquent of a criminal sex offense. Juvenile
15 criminal sex offenders who were age 14 and older at the time
16 the offense was committed and who, after the effective date of
17 this act, have been found guilty of any of the following
18 offenses or any solicitation, attempt, or conspiracy to commit
19 any of the following offenses are treated as adult criminal
20 sex offenders for the purposes of this act:

21 "a. Rape in the first degree.

22 "b. Sexual abuse in the first degree.

23 "c. Sexual torture.

24 "d. Sodomy in the first degree.

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

1 "f. Rape in the second degree as proscribed by
2 subdivision (2) of subsection (a) of Section 13A-6-62.

3 "g. Sodomy in the second degree as proscribed by
4 subdivision (2) of subsection (a) of Section 13A-6-64.

5 "h. 18 U.S.C. §2241.

6 "i. 18 U.S.C. §2242.

7 "j. 18 U.S.C. §2244.

8 "(8) LOCAL LAW ENFORCEMENT OFFICIAL.

9 "a. In Alabama, the sheriff of the county in which
10 the sex offender is registered or required to register under
11 this article, unless conduct that is registerable under this
12 article occurs within the police jurisdiction of a
13 municipality with a police department, then in such case shall
14 be the chief of police of that municipality.

15 "b. In any other state or tribal jurisdiction, the
16 appropriate local registration authority.

17 "(9) LODGING. Includes locations where an individual
18 has his or her place of abode, dwelling, quarters, or sleeping
19 accommodations.

20 "~~(8)~~(10) MENTAL ABNORMALITY. A congenital or
21 acquired condition of a person that affects the emotional or
22 volitional capacity of the person in a manner that predisposes
23 that person to the commission of criminal sex offense to a
24 degree that makes the person a menace to the health and safety
25 of other persons.

1 "~~(9)~~(11) PREDATORY. An act directed at a stranger,
2 or a person with whom a relationship has been established, or
3 promoted for the purpose of victimization.

4 "~~(10)~~(12) RELEASE. Release from a state, federal,
5 military, Indian, or foreign country prison or custody, county
6 jail, ~~or~~ municipal jail, or any mental health facility, or
7 release or discharge from the custody of the Department of
8 Youth Services or other juvenile detention, or placement on an
9 appeal bond, probation or parole or aftercare, or placement
10 into any facility or treatment program that allows the
11 offender to have unsupervised access to the public.

12 "(13) REQUIRED ONLINE IDENTIFIER. Any electronic
13 e-mail address information or instant message, chat, social
14 networking, or other similar Internet communication name
15 and/or identifier, or any other designations or monikers used
16 by a sex offender for routing or self-identification in
17 Internet communications or postings, whether belonging to the
18 sex offender or another person, but does not include Social
19 Security number, date of birth, or bank or financial
20 institution personal identification number.

21 "~~(11)~~(14) RESPONSIBLE AGENCY.

22 "a. The person or government entity whose duty it is
23 to obtain information from a ~~criminal~~ sex offender before
24 release and to transmit that information to police departments
25 or sheriffs responsible for providing community notification.
26 For a ~~criminal~~ sex offender being released from state prison,
27 the responsible agency is the Department of Corrections. For a

1 ~~criminal~~ sex offender being released from a county jail, the
2 responsible agency is the sheriff of that county. For a
3 ~~criminal~~ sex offender being released from a municipal jail,
4 the responsible agency is the police department of that
5 municipality. For a ~~criminal~~ sex offender being placed on
6 probation, including conditional discharge or unconditional
7 discharge, without any sentence of incarceration, the
8 responsible agency is the sentencing court. For a ~~criminal~~ sex
9 offender being released from the Department of Youth Services,
10 the responsible agency is the Department of Youth Services.
11 For a ~~criminal~~ sex offender who is being released from a
12 jurisdiction outside this state, and who is to reside in this
13 state, the responsible agency is the Department of Public
14 Safety. For a sex offender being released from a mental health
15 facility, the responsible agency is the Department of Mental
16 Health and Mental Retardation.

17 "b. For purposes of registering federal, military,
18 Indian, or foreign country sex offenders, the responsible
19 agency is the Department of Public Safety.

20 "(12)(15) RISK ASSESSMENT. A written report on the
21 assessment of risk for sexually re-offending conducted by a
22 sexual treatment program approved by the Department of Youth
23 Services. The report shall include, but not be limited to, the
24 following regarding the juvenile criminal sex offender:
25 Criminal history, mental status, attitude, previous sexual
26 offender treatment and response to treatment, social factors,

1 conditions of release expected to minimize risk of sexual
2 re-offending, and characteristics of the criminal sex offense.

3 ~~"(13)~~(16) SCHOOL. A licensed or accredited public or
4 private school, or church school, that offers instruction in
5 grades K-12. This definition shall not include private
6 residences in which students are taught by parents or tutors.

7 ~~"(14)~~(17) SENTENCING COURT. The court of conviction
8 or the court that determines sentence as a result of
9 conviction or adjudication.

10 "(18) SEX OFFENDER. Includes any adult criminal sex
11 offender or any juvenile criminal sex offender.

12 ~~"(15)~~(19) SEXUALLY VIOLENT PREDATOR. A person who
13 has been convicted of a criminal sex offense and who suffers
14 from a mental abnormality or personality disorder that makes
15 the person likely to engage in predatory criminal sex
16 offenses; or who has been twice previously convicted of any of
17 the following offenses, or any solicitation, attempt, or
18 conspiracy to commit any of the following offenses:

19 "a. Rape in the first degree.

20 "b. Sexual abuse in the first degree.

21 "c. Sexual torture.

22 "d. Sodomy in the first degree.

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

26 "f. Rape in the second degree as proscribed by
27 subdivision (2) of subsection (a) of Section 13A-6-62.

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

3 "h. 18 U.S.C. §2241.

4 "i. 18 U.S.C. §2242.

5 "j. 18 U.S.C. §2244.

6 "~~(16)~~(20) STUDENT. A person who is enrolled on a
7 full-time or part-time basis~~7~~ in any public or private
8 educational institution, including any schools as defined in
9 subdivision ~~(13)~~(16).

10 "(21) TEMPORARY LODGING INFORMATION. Lodging
11 information including, but not limited to, information about
12 where the sex offender is staying when away from his or her
13 residence for five or more days, including information
14 identifying the place and period of time the sex offender is
15 staying at that location.

16 "~~(17)~~(22) YOUTHFUL OFFENDER CRIMINAL SEX OFFENDER.
17 An individual adjudicated a youthful offender for a criminal
18 sex offense."

19 Section 2. Section 15-20-22, Code of Alabama 1975,
20 as amended by Act 2009-619, 2009 Regular Session (Acts 2009,
21 p. 1791), is amended to read as follows:

22 "§15-20-22.

23 "(a) One hundred eighty days prior to the release of
24 an adult criminal sex offender, or within a reasonable time
25 for sentences of 180 days or less, the following shall apply:

26 "(1) The responsible agency shall require the adult
27 criminal sex offender to ~~declare, in writing~~ register, by

1 means of written declaration, or by ~~electronic~~ other means
2 approved by the Director of the Department of Public Safety,
3 ~~the actual physical address at which he or she will reside or~~
4 ~~live upon release and the name and physical address of his or~~
5 ~~her employer, if any. The actual physical address at which he~~
6 ~~or she will reside or live upon release shall be verified by~~
7 ~~the local law enforcement agency prior to release.~~ information
8 including, but not limited to:

9 "a. The adult criminal sex offender's name and any
10 aliases.

11 "b. Date of birth or any purported date(s) of birth.

12 "c. Social Security number or any purported Social
13 Security number(s).

14 "d. Phone numbers and any other designations used by
15 the adult criminal sex offender for purposes of routing or
16 self-identification in telephonic communications, both for
17 fixed location and cellular phones.

18 "e. Required online identifiers.

19 "f. Digital or electronic copies of all passport and
20 immigration documents.

21 "g. The address of the residence at which the adult
22 criminal sex offender will reside upon release, and if the
23 adult criminal sex offender does not have any expected
24 residence address, other information about where the adult
25 criminal sex offender will have his or her home or will
26 habitually live, including, but limited to, information about
27 a certain part of the city that will be the adult criminal sex

1 offender's habitual locale, where the adult criminal sex
2 offender will station himself or herself during the day or
3 will sleep at night, shelters among which the adult criminal
4 sex offender will circulate, and bridges or any other
5 temporary lodging information, if applicable.

6 "h. In addition to registering a physical address,
7 any post office box to which the adult criminal sex offender
8 will have access.

9 " i. The name and physical address of any place
10 where the adult criminal sex offender will be an employee.

11 "j. All professional licenses that authorize the
12 adult criminal sex offender to engage in an occupation or
13 carry out a trade or business.

14 "k. The name and address of any place where the
15 adult criminal sex offender is or will be a student.

16 "l. The license plate number and registration number
17 or identifier and a description of any vehicle owned or
18 operated by the adult criminal sex offender, including any
19 vehicles for work or personal use, land vehicles, aircraft, or
20 watercraft.

21 "m. The permanent or frequent location of where all
22 of the adult criminal sex offender's vehicles will be kept.

23 "(2) The responsible agency shall include in the sex
24 offender's registration information all of the following:

25 "a. A physical description of the adult criminal sex
26 offender, including information about any identifying physical
27 characteristics such as scars, birthmarks, or tattoos.

1 "b. The text of the provision of law defining the
2 criminal sex offense for which the adult criminal sex offender
3 will be registered.

4 "c. The criminal history of the adult criminal sex
5 offender including the date of all arrests and convictions,
6 the status of parole, probation, or supervised release,
7 registration status, and the existence of any outstanding
8 arrest warrants for the adult criminal sex offender.

9 "d. A current photograph of the adult criminal sex
10 offender.

11 "e. A set of the adult criminal sex offender's
12 fingerprints and palm prints.

13 "f. A photocopy of any valid driver's license or
14 identification card issued to the adult criminal sex offender
15 by any jurisdiction.

16 "(3) In addition, the actual physical address at
17 which the adult criminal sex offender will reside, live, or
18 habitually live, as described in subdivision (1) of subsection
19 (a), upon release must be verified by the local law
20 enforcement agency prior to release. This verification by
21 local law enforcement shall include determining whether the
22 address complies with this article. At least 110 days before a
23 scheduled release, or within a reasonable time for sentences
24 of 180 days or less, the local law enforcement agency shall
25 notify the responsible agency whether or not the address was
26 verified and whether or not the address complies with this
27 article. If the address cannot be verified or does not comply

1 with this article, the responsible agency, at least 100 days
2 prior to the scheduled release , or within a reasonable time
3 for sentences of 180 days or less, shall notify the adult
4 criminal sex offender that the provided address does not
5 satisfy the requirements of this section, shall inform the
6 adult criminal sex offender of the reason that the provided
7 address does not satisfy the requirements of this section, and
8 shall provide written notice to the adult criminal sex
9 offender that he or she shall be considered in violation of
10 this section and shall be subject to the penalties provided in
11 this subsection unless he or she provides a verifiable actual
12 physical address at which he or she will reside or live upon
13 release in compliance with this article at least 70 days prior
14 to his or her scheduled release, or within a reasonable time
15 for sentences of 180 days or less, as provided in this
16 subsection. If the adult criminal sex offender provides a new
17 physical address at which he or she will reside or live upon
18 release, the verification process set out herein shall be
19 conducted for the new physical address to determine whether
20 the address complies with this article. Any failure by the
21 adult criminal sex offender to comply with the requirements of
22 this section shall constitute a Class C felony. Any adult
23 criminal sex offender in violation of this section shall be
24 ineligible for release on probation or parole. Any adult
25 criminal sex offender in violation of this section who is to
26 be released due to the expiration of his or her sentence shall
27 be treated as follows:

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

16 "b. If the offender has accumulated correctional
17 incentive time pursuant to Section 14-9-41 or any other law,
18 the offender shall be charged with non-compliance with this
19 section and shall not be allowed early release, but instead
20 shall forfeit all correctional incentive time that has accrued
21 pursuant to Section 14-9-41, or other good time allowed by
22 law.

23 "~~(2)~~(4) If the adult criminal sex offender declares
24 his or her intent to reside, ~~or~~ be employed, or be a student
25 outside of the state, the responsible agency, within ~~five~~
26 three business days of the declarations required by this
27 article, shall ~~notify the Director of~~ forward the adult

1 criminal sex offender's registration information to the
2 Department of Public Safety of the state, the Attorney General
3 of the state, ~~or the designated state law enforcement agency~~
4 and the sheriff of the county of the state to which the adult
5 criminal sex offender has declared his or her intent to ~~move~~
6 ~~or in which he or she intends to~~ reside, be employed, and
7 shall also notify the Alabama Criminal Justice Information
8 Center or be a student. The ~~notification~~ forwarded information
9 shall include all information ~~available to~~ registered by the
10 adult criminal sex offender with the responsible agency which
11 would be necessary to identify and trace the adult criminal
12 sex offender, including, but not limited to, the offender's
13 declared places of residence and employment, each sex offense
14 history or pre-sentence investigation of the sex offense,
15 fingerprints, and a current photograph of the adult criminal
16 sex offender as required in subdivision (1) of subsection (a).

17 "(3)(5) If the adult criminal sex offender declares
18 his or her intent to reside, ~~live~~, ~~or be employed~~, or be a
19 student within this state, the responsible agency shall,
20 within ~~five~~ three business days of the written declaration,
21 notify forward the adult criminal sex offender's registration
22 information to the Attorney General, the ~~Director of the~~
23 Department of Public Safety, the Alabama Criminal Justice
24 Information Center, the district attorney, ~~and the sheriff of~~
25 any county in which all local law enforcement officials where
26 the adult criminal sex offender intends to reside, ~~or be~~
27 employed, or be a student. ~~the chief of police of any~~

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

11 "(b) Upon receiving notice from any state, federal,
12 military, Indian, or foreign country jurisdiction that an
13 adult criminal sex offender will reside, will be employed, or
14 will be a student in this state, the Department of Public
15 Safety, within 24 hours of receiving such notice, shall
16 transmit information regarding the adult criminal sex offender
17 to all local law enforcement officials where the adult
18 criminal sex offender will reside, will be employed, or will
19 be a student. Such adult criminal sex offender who intends to
20 reside, be employed, or be a student in this state must report
21 in person, within three business days of establishing
22 residence, establishing employment, or becoming a student
23 after release from incarceration, or if not incarcerated,
24 within three business days from sentencing, to register the
25 information required in subdivision (1) of subsection (a) with
26 all local law enforcement officials where the adult criminal
27 sex offender resides, is employed, or is a student. The local

1 law enforcement officials shall forward the adult criminal sex
2 offender's registration information to the Attorney General,
3 the Department of Public Safety, the Alabama Criminal Justice
4 Information Center, and the district attorney of any county in
5 which the adult criminal sex offender resides, is employed, or
6 is a student. Any adult criminal sex offender who fails to
7 comply with the required registration shall be guilty of a
8 Class C felony.

9 "(4)(c)(1) The Alabama Criminal Justice Information
10 Center shall be responsible for notifying the Federal Bureau
11 of Investigation with sex offender information upon receiving
12 this information from the responsible agency. Measures and
13 shall be taken to ensure this information is submitted to and
14 included in the national database of sex offenders established
15 pursuant to 42 U.S.C. § 14072.

16 "(2) Within three business days of receiving a sex
17 offender's registration information, the Alabama Criminal
18 Justice Information Center shall also be responsible for
19 forwarding required registration information to the following
20 entities:

21 a. All local law enforcement officials within this
22 state where the sex offender resides, is an employee, or is a
23 student.

24 "b. All local law enforcement officials outside of
25 this state where the sex offender resides, is an employee, or
26 is a student.

1 "c. Each state or foreign country from or to which a
2 change of residence, employment, or student status occurs.

3 "d. The U.S. Marshals Service if the sex offender
4 intends to reside, be employed, or be a student in a foreign
5 country.

6 "e. The National Sex Offender Registry.

7 "f. Any agency responsible for conducting
8 employment-related background checks under Section 3 of the
9 National Child Protection Act of 1993, 42 U.S.C. §5119a.

10 ~~"(5)(3) Upon conviction and again prior to requiring~~
11 ~~the adult criminal sex offender to provide the address~~
12 ~~described in subdivision (1), the responsible agency shall~~
13 ~~provide the adult criminal sex offender with a form,~~
14 ~~promulgated by the Attorney General's Office, that lists the~~
15 ~~requirements of this article. All other adult criminal sex~~
16 ~~offenders, including those who have already been released,~~
17 ~~shall be provided with this form at the next scheduled date~~
18 ~~following May 21, 2009, that he or she is required to present~~
19 ~~in person the completed verification form mandated by~~
20 ~~subsection (b) of Section 15-20-24. ~~The adult criminal sex~~~~
21 ~~offender shall acknowledge receipt of the form by signing it~~
22 ~~in the designated space. This form shall remain in the adult~~
23 ~~criminal sex offender's file at the Department of Public~~
24 ~~Safety. All adult criminal sex offenders must read and sign~~
25 ~~the form stating that the duty to register has been explained~~
26 ~~to the adult criminal sex offender and that the adult criminal~~
27 ~~sex offender understands the registration requirements of this~~

1 act. If the adult criminal sex offender is unable to read or
2 write, then he or she shall be exempt from the requirements of
3 this subsection which he or she is unable to meet and in such
4 cases, the adult criminal sex offender shall have the form
5 read to him or her and shall sign his or her name or otherwise
6 sign his or her mark on the form. This form shall remain in
7 the adult criminal sex offender's file that shall be kept at
8 the Department of Public Safety. The responsible agency must
9 ensure that the adult criminal sex offender is registered.

10 "(b)(d) If a sentencing court does not impose a
11 sentence of incarceration upon conviction of the adult
12 criminal sex offender for a criminal sex offense, the adult
13 sex offender shall at the time of sentencing register the
14 information required in subdivision (1) of subsection (a) with
15 the sentencing court and notification shall be provided by the
16 responsible agency in accordance with subdivisions (4) and (5)
17 of subsection (a) within 24 hours of release. An adult
18 criminal sex offender who fails to comply with the required
19 registration provisions of this subsection shall be guilty of
20 a Class C felony.

21 "(c)(e) Prior to release At the time of
22 registration, every adult criminal sex offender convicted for
23 a criminal sex offense shall submit to the probation officer
24 or sheriff responsible agency a DNA sample that will be sent
25 to the Department of Forensic Sciences for purposes of
26 analysis and entry of the resulting DNA profile into the
27 Combined DNA Index System (CODIS). An adult criminal sex

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

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

14 "(g) Notwithstanding any other provisions of law, no
15 court shall permit an adult criminal sex offender convicted of
16 a felony criminal sex offense to be released from custody on
17 bond after conviction prior to sentencing.

18 "(h) All sex offender information that is required
19 to be collected or shared by any law enforcement agency or
20 responsible agency of this state shall be available and
21 maintained in digitized format so that it can be immediately
22 accessed by or transmitted to various entities. The registry,
23 maintained by the Department of Public Safety, must be an
24 electronic database so that included information can be
25 electronically transmitted to or accessed by other
26 jurisdictions and entities as required by law, and
27 descriptions of required types of sex offender information

1 should be construed by any entity as referring to digitizable
2 information rather than hard copies or physical objects.

3 Section 3. Sections 15-20-23, 15-20-23.1, 15-20-24,
4 15-20-25, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26,
5 15-20-26.2, 15-20-28, 15-20-29, 15-20-30, 15-20-31, 15-20-32,
6 15-20-33, 15-20-34, 15-20-35, 15-20-36, 15-22-28, and 15-22-36
7 of the Code of Alabama 1975, are amended to read as follows:

8 "§15-20-23.

9 "(a) If an adult criminal sex offender intends to
10 transfer his or her residence to a different location within
11 this state, he or she shall ~~submit a notice of intent to move~~
12 present himself or herself in person to the ~~sheriff of the~~
13 ~~county and the chief of police of the municipality in which~~
14 local law enforcement official where he or she currently
15 ~~resides, and to the sheriff of the county and chief of police~~
16 ~~of the municipality to which he or she plans to move, if such~~
17 ~~are different,~~ to give notice of his or her intent to move at
18 least 30 days prior to moving to the new location. ~~The notice~~
19 ~~of intent to move shall be on a form developed by the~~
20 ~~Department of Public Safety provided by the sheriff and shall~~
21 ~~include all the information required by this article for~~
22 ~~community notification. Failure to provide a timely and~~
23 ~~accurate written declaration shall constitute a Class C~~
24 ~~felony.~~ Within three business days of receiving such notice,
25 the local law enforcement official shall forward the adult
26 criminal sex offender's registration information to the local
27 law enforcement official where the adult criminal sex offender

1 has declared his or her intent to move, and to the local law
2 enforcement official of any other state or tribal jurisdiction
3 where the sex offender is required to register. Within three
4 business days of moving to the new location, the adult
5 criminal sex offender shall present himself or herself in
6 person to the local law enforcement official where he or she
7 is newly residing to verify the information provided during
8 his or her in-person notice of intent to move. Within three
9 business days of the adult criminal sex offender's in-person
10 registration update, the local law enforcement official where
11 he or she is newly residing shall forward the adult criminal
12 sex offender's registration information within three business
13 days, to the Department of Public Safety, the Alabama Criminal
14 Justice Information Center, and the local law enforcement
15 official where the adult criminal sex offender ceased to
16 reside. If the adult criminal sex offender fails to present
17 himself or herself in person to the local law enforcement
18 official where he or she is newly residing, the local law
19 enforcement official where he or she is newly residing shall
20 immediately notify the local law enforcement official where
21 the adult criminal sex offender submitted his or her notice of
22 intent to move. An adult criminal sex offender who fails to
23 comply with the required registration provisions of this
24 subsection shall be guilty of a Class C felony.

25 "(b) If an adult criminal sex offender intends to
26 transfer his or her residence to a location outside of this
27 state, he or she shall present himself or herself in person to

1 the local law enforcement official where he or she currently
2 resides to give notice of his or her intent to move at least
3 30 days prior to moving to the new location. The notice of
4 intent to move shall be on a form developed by the Department
5 of Public Safety provided by the local law enforcement
6 official and shall include all the information required by
7 this article for community notification. The local law
8 enforcement official shall forward the adult criminal sex
9 offender's registration information within three business
10 days, to the Department of Public Safety of the state, the
11 Attorney General of the state, and the sheriff of the county
12 to which the adult criminal sex offender has declared his or
13 her intent to move. The forwarded information shall include
14 all information registered by the adult criminal sex offender
15 with the local law enforcement official as required in
16 subdivision (1) of subsection (a) of Section 15-20-22. An
17 adult criminal sex offender who fails to comply with the
18 required registration provisions of this subsection shall be
19 guilty of a Class C felony.

20 "(c) If an adult criminal sex offender transfers his
21 or her residence from a location outside of this state to a
22 location inside of this state, he or she shall be required to
23 register in person with the local law enforcement official
24 where he or she newly resides within three business days of
25 entering this state. The adult criminal sex offender shall
26 register all information as required in subdivision (1) of
27 subsection (a) of Section 15-20-22. The local law enforcement

1 official shall forward the adult criminal sex offender's
2 registration information to the Department of Public Safety
3 and the Alabama Criminal Justice Information Center. The
4 forwarded information shall include all information registered
5 by the adult criminal sex offender with the local law
6 enforcement official as required in subdivision (1) of
7 subsection (a) of Section 15-20-22. An adult criminal sex
8 offender who fails to comply with the required registration
9 provisions of this subsection shall be guilty of a Class C
10 felony. The Department of Public Safety shall annually notify
11 other states of the requirements of this subsection.

12 ~~"(b)~~ (d) Notwithstanding other provisions of law
13 regarding establishment of residence, an adult criminal sex
14 offender shall be deemed to have established a new residence
15 in any of the following circumstances:

16 "(1) Whenever that adult criminal sex offender is
17 domiciled in the same place for three consecutive days or
18 more.

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

23 "(3) Whenever an adult criminal sex offender spends
24 10 or more aggregate days at a location during a calendar
25 month.

26 "§15-20-23.1.

1 "(a) If an adult criminal sex offender intends to
2 change his or her place of employment within this state, he or
3 she shall ~~submit a~~ present himself or herself in person to the
4 local law enforcement officials where he or she is both
5 currently residing and employed, if such are different, and
6 give notice of his or her intent to do so to the sheriff of
7 the county and the chief of police of the municipality in
8 which he or she is then employed and to the sheriff of the
9 county and chief of police of the municipality in which he or
10 she intends to be employed, if such are different, at least
11 seven days prior to beginning employment at the new location.
12 An intentional failure to provide a timely and accurate
13 written declaration shall constitute a Class C felony. Within
14 three business days of receiving such notice, the local law
15 enforcement officials shall forward the adult criminal sex
16 offender's registration information to the local law
17 enforcement official where the adult criminal sex offender has
18 declared his or her intent to change place of employment and
19 to the local law enforcement official of any other state or
20 tribal jurisdiction where the sex offender is required to
21 register. Within three business days of beginning employment
22 at a new location, the adult criminal sex offender shall
23 present himself or herself, in person, to the local law
24 enforcement official where he or she is newly employed to
25 verify his or her registration information. Within three
26 business days of the adult criminal sex offender's in-person
27 registration update, the local law enforcement official shall

1 forward the adult criminal sex offender's registration
2 information to the Attorney General, the Department of Public
3 Safety, the Alabama Criminal Justice Information Center, and
4 all local law enforcement officials where the adult criminal
5 sex offender ceased to be employed, currently resides, and
6 currently is a student, if applicable. If the adult criminal
7 sex offender fails to present himself or herself in person to
8 the local law enforcement official where he or she is newly
9 employed, the local law enforcement official where he or she
10 is newly employed shall immediately notify the local law
11 enforcement officials where the adult criminal sex offender
12 submitted his or her notice of intent to change place of
13 employment. An adult criminal sex offender who fails to comply
14 with the required registration provisions of this subsection
15 shall be guilty of a Class C felony.

16 "(b) If an adult criminal sex offender intends to
17 change his or her place of employment to a location outside of
18 this state, he or she shall present himself or herself, in
19 person, to the local law enforcement officials where he or she
20 is both currently residing and employed to give notice of his
21 or her intent to change place of employment at least seven
22 days prior to beginning employment at the new location. Within
23 three business days of receiving the adult criminal sex
24 offender's notice of intent to change place of employment, the
25 local law enforcement official shall forward the adult
26 criminal sex offender's registration information to the
27 Department of Public Safety of the state, the Attorney General

1 of the state, and the sheriff of the county to which the adult
2 criminal sex offender has declared his or her intent to be
3 employed and to the local law enforcement official of any
4 other state or tribal jurisdiction where the adult criminal
5 sex offender is required to register. An adult criminal sex
6 offender who fails to comply with the required registration
7 provisions of this subsection shall be guilty of a Class C
8 felony.

9 "(c) If an adult criminal sex offender transfers his
10 or her place of employment from a location outside of this
11 state to a location inside of this state, he or she shall be
12 required to register in person with the local law enforcement
13 official where he or she is newly employed within three
14 business days of beginning employment. The adult criminal sex
15 offender shall register all information as required in
16 subdivision (1) of subsection (a) of Section 15-20-22. The
17 local law enforcement official shall forward the adult
18 criminal sex offender's registration information to the
19 Department of Public Safety and the Alabama Criminal Justice
20 Information Center and to the local law enforcement official
21 of any other state or tribal jurisdiction where the adult
22 criminal sex offender is required to register. The forwarded
23 information shall include all information registered by the
24 adult criminal sex offender with the local law enforcement
25 official as required in subdivision (1) of subsection (a) of
26 Section 15-20-22. An adult criminal sex offender who fails to

1 comply with the required registration provisions of this
2 subsection shall be guilty of a Class C felony.

3 "§15-20-24.

4 "(a) (1) Sixty days after an adult criminal sex
5 offender's most current release and, except during ensuing
6 periods of incarceration, thereafter on the anniversary date
7 of an adult criminal sex offender's birthday occurring more
8 than 90 days after the release and the date six months after
9 the anniversary date of an adult criminal sex offender's
10 birthday occurring more than 90 days after the release, the
11 Department of Public Safety shall mail a non-forwardable
12 verification form to the address of the adult criminal sex
13 offender. ~~The sheriff, or chief of police where applicable,~~
14 ~~where the adult criminal sex offender resides shall be~~
15 ~~notified of the pending verification and whether the~~
16 ~~verification form was received by the adult criminal sex~~
17 ~~offender.~~

18 "(2) Sixty days after an adult criminal sex
19 offender's most current release where such offender has been
20 adjudged to be a sexually violent predator or has been found
21 guilty of any of the following offenses or any solicitation,
22 attempt, or conspiracy to commit any of the following offenses
23 and, except during ensuing periods of incarceration,
24 thereafter on the anniversary date of an adult criminal sex
25 offender's birthday occurring more than 90 days after the
26 release and on the dates three months, six months, and nine
27 months after the anniversary date of an adult criminal sex

1 offender's birthday occurring more than 90 days after the
2 release, the Department of Public Safety shall mail a
3 non-forwardable verification form to the address of the adult
4 criminal sex offender:

5 "a. Rape in the first degree.

6 "b. Sexual abuse in the first degree.

7 "c. Sexual torture.

8 "d. Sodomy in the first degree.

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

12 "f. Rape in the second degree as proscribed by
13 subdivision (2) of subsection (a) of Section 13A-6-62.

14 "g. Sodomy in the second degree as proscribed by
15 subdivision (2) of subsection (a) of Section 13A-6-64.

16 "h. 18 U.S.C. §2241.

17 "i. 18 U.S.C. §2242.

18 "j. 18 U.S.C. §2244.

19 "(3) The local law enforcement official where the
20 adult criminal sex offender resides shall be notified of the
21 pending verification and whether the verification form was
22 received by the adult criminal sex offender.

23 "(b) Within 10 days of the receipt of the
24 verification form, the adult criminal sex offender shall
25 present in person the completed verification form to the
26 sheriff, or chief of police where applicable, local law
27 enforcement official where he or she resides who shall obtain

1 fingerprints and a photograph of the adult criminal sex
2 offender. The verification form shall be signed by the adult
3 criminal sex offender and shall state that the adult criminal
4 sex offender still resides at that address, verifies that his
5 or her registration information is correct, and that the adult
6 criminal sex offender is in compliance with the residence
7 restrictions established in this article. In the event the
8 adult criminal sex offender does not receive a verification
9 form from the Department of Public Safety, the adult criminal
10 sex offender must shall nonetheless report in person to the
11 sheriff, or chief of police where applicable, local law
12 enforcement official where he or she resides to verify his or
13 her place of residence registration information within 90 days
14 of his or her most recent release and thereafter each year
15 within ~~30~~ 20 days of the adult criminal sex offender's
16 birthday and the date six months after the adult criminal sex
17 offender's birthday.

18 "(c) Within 30 days of an adult criminal sex
19 offender's ~~address~~ in-person verification, the Department of
20 Public Safety shall, in accordance with guidelines promulgated
21 by the Department of Public Safety, receive from the
22 appropriate ~~sheriff or chief of police~~ local law enforcement
23 official verification of the adult criminal sex offender's
24 address and required online identifiers. Such guidelines shall
25 ensure that ~~address~~ verification is accomplished with respect
26 to these individuals and shall require the submission of
27 fingerprints and photographs of the individuals.

1 "(d) An adult criminal sex offender who fails to
2 ~~verify his or her place of residence~~ comply with the
3 verification provisions in accordance with this section,
4 provides a false statement to law enforcement in the
5 verification process, ~~or knowingly~~ fails to permit law
6 enforcement personnel to obtain fingerprints or a photograph,
7 fails to provide every required online identifier, or uses a
8 required online identifier before providing it to the local
9 law enforcement official shall be guilty of a Class C felony.
10 Any changes in registration information shall also be
11 forwarded to the Alabama Criminal Justice Information Center
12 by the local law enforcement official within three business
13 days. The Department of Public Safety shall also forward any
14 changes in registration information to all counties in which
15 the adult criminal sex offender is registered and is required
16 to register.

17 "§15-20-25.

18 "(a) Within ~~five~~ three business days after ~~the~~
19 ~~responsible agency provides notice of a release or intent to~~
20 ~~transfer residence of any adult criminal sex offender,~~ an
21 adult criminal sex offender initially registers or updates any
22 of his or her registration information, the following
23 procedures shall apply:

24 "(1) In the cities of Birmingham, Mobile,
25 Huntsville, and Montgomery, the chief of police shall notify
26 all persons who have a legal residence within 1,000 feet of
27 the declared residence of the adult criminal sex offender, all

1 hotels and motels within 1,000 feet of the declared residence
2 of the adult criminal sex offender, and all schools and child
3 care facilities within three miles of the declared residence
4 of the adult criminal sex offender that the adult criminal sex
5 offender will be establishing his or her residence.

6 "(2) In all other cities in Alabama with a resident
7 population of 5,000 or more, the chief of police, or if none
8 then the sheriff of the county, shall notify all persons who
9 have a legal residence within 1,500 feet of the declared
10 residence of the adult criminal sex offender, all hotels and
11 motels within 1,500 feet of the declared residence of the
12 adult criminal sex offender, and all schools and child care
13 facilities within three miles of the declared residence of the
14 adult criminal sex offender, that the adult criminal sex
15 offender will be establishing his or her residence.

16 "(3) In all other municipalities with a resident
17 population of less than 5,000, and in all unincorporated
18 areas, the sheriff of the county in which the adult criminal
19 sex offender intends to reside shall notify all persons who
20 have a legal residence within 2,000 feet of the declared
21 residence of the adult criminal sex offender, all hotels and
22 motels within 2,000 feet of the declared residence of the
23 adult criminal sex offender, and all schools and child care
24 facilities within three miles of the declared residence of the
25 adult criminal sex offender, that the adult criminal sex
26 offender will be establishing his or her residence.

1 "(b) A community notification flyer shall be made by
2 regular mail or hand delivered to all legal residences,
3 hotels, and motels required by this section. In addition, any
4 other method reasonably expected to provide notification may
5 be utilized, including, but not limited to, posting a copy of
6 the notice in a prominent place at the office of the sheriff
7 and at the police station closest to the declared residence of
8 the released adult criminal sex offender, publicizing the
9 notice in a local newspaper, ~~or~~ posting electronically,
10 ~~including the Internet,~~ or by other means available.

11 "(c) The Department of Public Safety shall make
12 available on the Internet, in a manner that is readily
13 accessible to all jurisdictions and the public, certain
14 information about each adult criminal sex offender in the
15 registry. The Internet registry shall include:

16 "(1) The name of the adult criminal sex offender and
17 any aliases.

18 "(2) The address at which the adult criminal sex
19 offender resides, and if the adult criminal sex offender does
20 not have a residence address, other information about where
21 the adult criminal sex offender has his or her home or
22 habitually lives, including, but not limited to, information
23 about a certain part of the city that is the adult criminal
24 sex offender's habitual locale, where the adult criminal sex
25 offender stations himself or herself during the day or sleeps
26 at night, shelters among which the adult criminal sex offender
27 circulates, and/or bridges.

1 "(3) The address of any place where the adult
2 criminal sex offender is an employee.

3 "(4) The address of any place where the adult
4 criminal sex offender is a student.

5 "(5) The license plate number and a description of
6 any vehicle owned or operated by the adult criminal sex
7 offender.

8 "(6) A physical description of the adult criminal
9 sex offender.

10 "(7) The criminal sex offense for which the adult
11 criminal sex offender is registered and any other criminal sex
12 offense for which the adult criminal sex offender has been
13 convicted.

14 "(8) Notice if the adult criminal sex offender is in
15 violation of registration provisions and/or cannot be located.

16 "(9) A current photograph.

17 "(10) Any links to sex offender safety and education
18 resources.

19 "(11) Instructions on how to seek correction of
20 information that an individual contends is erroneous.

21 "(12) A warning that information on the site should
22 not be used to injure, harass, or commit a crime against any
23 individual named in the registry or residing or working at any
24 reported address.

25 "(13) Field-search capabilities that allow for
26 searches by name, county, city, and zip code.

1 "(d) The Internet registry shall not include the
2 identity of any victim of a criminal sex offense other than
3 the victim's age and gender; the adult criminal sex offender's
4 Social Security number; arrests not resulting in conviction;
5 and travel and immigration document numbers.

6 "(e) Whenever an adult criminal sex offender
7 initially registers or updates any of his or her registration
8 information, the information required to be included in the
9 Internet registry pursuant to subsection (c) shall be posted
10 on such registry within three business days. Additionally, the
11 Internet registry shall include a function by which members of
12 the public and organizations can request notification when an
13 adult criminal sex offender commences residence, employment,
14 or school attendance within zip code areas specified by the
15 requester, where the requester provides an e-mail address to
16 which notice is to be sent. Upon posting on the Internet
17 registry of new residence, employment, or school attendance
18 information for an adult criminal sex offender within an area
19 specified by the requester, the system shall automatically
20 send an e-mail notice to the requester that identifies the
21 adult criminal sex offender, thus enabling the requester to
22 access the jurisdiction's website and view the new information
23 about the adult criminal sex offender.

24 "(f) The Department of Public Safety, at least
25 quarterly, shall compile a list of those persons with a duty
26 to register under this article who have failed to register,
27 whose addresses cannot be verified, or who otherwise cannot be

1 located. The Department of Public Safety shall post this list
2 on the Internet registry and request the public's assistance
3 in locating these persons.

4 ~~"(c)(g)~~ Nothing in this article shall be construed
5 as prohibiting the Department of Public Safety, ~~a sheriff, or~~
6 ~~a chief of police~~ or a local law enforcement official from
7 providing community notification under the provisions of this
8 article electronically or by publication or periodically to
9 persons whose legal residence is more than the applicable
10 distance from the residence of an adult criminal sex offender.

11 "§15-20-25.1.

12 "(a) Any adult criminal sex offender not a resident
13 of this state shall nevertheless be required to register with
14 law enforcement whenever the offender comes into this state to
15 accept employment, ~~to carry on a vocation,~~ or to become a
16 student. The offender shall also register any subsequent
17 changes in his or her place of lodging, employment, or school
18 being attended.

19 "(b) Any adult criminal sex offender required to
20 register under this section ~~shall,~~ within ~~five~~ three business
21 days after entering this state or changing his or her place of
22 lodging, employment, or school being attended, ~~provide a~~
23 ~~written declaration to the sheriff of the county and chief of~~
24 ~~police of the municipality in which~~ shall register in person
25 with all local law enforcement officials where the offender
26 intends to work, ~~or become a student, or lodge.~~ ~~This written~~

1 ~~declaration shall contain~~ The adult criminal sex offender
2 shall register all of the following:

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

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

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

10 ~~"(4) Other information as would be necessary to~~
11 ~~complete a community notification flyer as defined in~~
12 ~~subdivision (3) of Section 15-20-21. Any information listed in~~
13 ~~subdivision (1) of subsection (a) of Section 15-20-22 except~~
14 ~~for subsection (g).~~

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

26 ~~"(d) An intentional failure to provide a timely and~~
27 ~~accurate written declaration as required by this section shall~~

1 ~~constitute a Class C felony. A change in any of the~~
2 ~~information listed above under subsection (b) shall be~~
3 ~~reported in person to all local law enforcement officials in~~
4 ~~this state or any other state or tribal jurisdiction where the~~
5 ~~adult criminal sex offender resides, is or ceases to be a~~
6 ~~student, and is or ceases to be employed at an institution of~~
7 ~~higher education or school, if such are different, by the~~
8 ~~adult criminal sex offender within three business days after~~
9 ~~the change becomes effective. Within three business days of~~
10 ~~the adult criminal sex offender's in-person registration~~
11 ~~pursuant to this section, the local law enforcement official~~
12 ~~shall forward the adult criminal sex offender's registration~~
13 ~~information to the Department of Public Safety and the Alabama~~
14 ~~Criminal Justice Information Center, and to the local law~~
15 ~~enforcement official of any other state or tribal jurisdiction~~
16 ~~where the sex offender is required to register.~~

17 ~~"(e) An adult criminal sex offender who fails to~~
18 ~~comply with the required registration provisions of this~~
19 ~~section shall be guilty of a Class C felony.~~

20 ~~"§15-20-25.2.~~

21 ~~"(a) In addition to any other requirements of this~~
22 ~~article, an adult criminal sex offender shall ~~provide written~~~~
23 ~~notice to the sheriff of the county and chief of police of the~~
24 ~~municipality in which register in person with all local law~~
25 ~~enforcement officials where the adult criminal sex offender~~
26 ~~resides, is a student, or is employed at an institution of~~
27 ~~higher education or school of the following:~~

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

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

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

12 "(c) A change in status noticed under subdivision
13 (2) of subsection (a) shall be reported in person to all local
14 law enforcement officials in this state or any other state or
15 tribal jurisdiction where the adult criminal sex offender
16 resides, is or ceases to be a student, and is or ceases to be
17 employed at an institution of higher education or school, if
18 such are different by the adult criminal sex offender within
19 ~~five~~ three business days after the change becomes effective.
20 Within three business days of the adult criminal sex
21 offender's in-person registration update, the local law
22 enforcement officials from which a change occurs shall notify
23 the local law enforcement officials to which a change is
24 occurring. If the adult criminal sex offender fails to present
25 himself or herself in person to the local law enforcement
26 official where he or she is newly enrolled as a student or
27 newly employed, the local law enforcement official shall

1 immediately notify the local law enforcement official where
2 the adult criminal sex offender gave notice of his or her
3 intent to change enrollment or employment status.

4 "(d) Any ~~written notice~~ registration information
5 provided to law enforcement under this section shall be
6 forwarded to the Department of Public Safety and the Alabama
7 Criminal Justice Information Center, both of which shall enter
8 the registration information contained in the written notice
9 in the appropriate state records or data system.

10 "(e) Any ~~written notice~~ registration information
11 provided to law enforcement under this section shall also be
12 forwarded to campus police, school resource officer, and any
13 other security personnel of the school or institution of
14 higher learning where the adult criminal sex offender is
15 employed, ~~carries on a vocation,~~ or is a student.

16 "(f) ~~An intentional failure to provide timely and~~
17 ~~accurate written notice as required by this section shall~~
18 ~~constitute a Class C felony.~~ An adult criminal sex offender
19 who fails to comply with the required registration provisions
20 of this subsection shall be guilty of a Class C felony.

21 "§15-20-25.3.

22 "(a) Whenever an individual is convicted of a
23 criminal sex offense in this state, the state, at the time of
24 sentencing, may petition the sentencing court to enter an
25 order adjudging the offender to be a sexually violent
26 predator.

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

5 "(c) Any offender determined in any other state to
6 be a sexually violent predator or the equivalent thereof shall
7 be considered a sexually violent predator in this state.

8 "(d) Any adult criminal sex offender convicted who
9 has two convictions for any of the offenses listed in
10 paragraphs a. to h., inclusive, of subdivision (2) of
11 subsection (a) of Section 15-20-24 shall be considered a
12 sexually violent predator in this state.

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

18 "(1) A full history of criminal offenses committed
19 by the offender.

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

22 "~~(e)~~(f) A sexually violent predator shall be
23 required to verify his or her place of residence ~~on a~~
24 ~~quarterly basis~~ as provided in subdivision (2) of subsection
25 (a) of Section 15-20-24, rather than an annual basis as is
26 generally provided in subdivision (1) of subsection (a) of
27 Section 15-20-24.

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

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

12 "(h) An adult criminal sex offender who fails to
13 comply with the required registration provisions of this
14 section shall be guilty of a Class C felony.

15 "§15-20-26.

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

21 "(b) Unless otherwise exempted by law, no adult
22 criminal sex offender shall establish a residence or any other
23 living accommodation within ~~1,000~~ 2,000 feet of the property
24 on which any of his or her former victims, or the victims'
25 immediate family members reside.

26 "(c) No adult criminal sex offender shall establish
27 a residence or any other living accommodation where a minor

1 resides nor remain at a residence or living accommodation
2 where a minor subsequently establishes residence at the same
3 residence or living accommodation. Notwithstanding the
4 foregoing, an adult criminal sex offender may reside with a
5 minor if the adult criminal sex offender is the parent,
6 grandparent, or stepparent of the minor, after prior court
7 approval in the case of a stepparent, unless one of the
8 following conditions applies:

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

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

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

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

24 "(d) No adult criminal sex offender who is
25 prohibited by subsection (c) from establishing a residence or
26 any other living accommodation where a minor resides shall
27 establish a residence or living accommodation on the same lot

1 or parcel where a minor resides. Any adult criminal sex
2 offender violates this provision if he or she resides in a
3 mobile home, recreational vehicle, vehicle, tent, or other
4 structure, whether permanent or temporary, on the same
5 residential lot or parcel as a minor residing in a
6 single-family residence.

7 ~~"(d)~~(e) No adult criminal sex offender shall be
8 permitted to willfully or knowingly come within ~~100~~ 300 feet
9 of any of his or her former victims, except as elsewhere
10 provided by law, or make any visual or audible sexually
11 suggestive or obscene gesture, sound, or communication at or
12 to a former victim or a member of the victim's immediate
13 family.

14 ~~"(e)~~(f) Changes to property within 2,000 feet of an
15 adult criminal sex offender's registered address which occur
16 after an adult criminal sex offender establishes residency or
17 accepts employment shall not form the basis for finding that ~~a~~
18 an adult criminal sex offender is in violation of subsections
19 (a) or (b).

20 ~~"(f)~~(g) No adult criminal sex offender, after having
21 been convicted of a criminal sex offense involving a child,
22 shall loiter on or within 500 feet of any property on which
23 there is a school, child care facility, Boys and Girls Club,
24 YMCA, playground, park, athletic field or facility, or any
25 other business or facility having a principal purpose of
26 caring for, educating, or entertaining minors. Under this
27 subsection, "loiter" means to enter or remain on property

1 while having no legitimate purpose therefor or, if a
2 legitimate purpose exists, remaining on that property beyond
3 the time necessary to fulfill that purpose. An adult criminal
4 sex offender does not violate this subsection unless he or she
5 has first been asked to leave a prohibited location by a
6 person authorized to exclude the adult criminal sex offender
7 from the premises. An authorized person includes, but is not
8 limited to, any law enforcement officer, any owner or manager
9 of the premises, a principal or teacher if the premises is a
10 school or child care facility, or a coach if the premises is
11 an athletic field or facility.

12 "(h) No adult criminal sex offender who is required
13 to register under this article shall knowingly enter a
14 building or any other improvement in this state owned, leased,
15 rented, or controlled by or for the operation of a school or
16 enter upon the real property of a school. It is not a
17 violation of this subsection if the sex offender:

18 "(1) Is a student of that school.

19 "(2) Enters a building or any other improvement in
20 this state owned, leased, rented, or controlled by or for the
21 operation of a school or enters upon the real property of a
22 school for the purpose of attending a school-sponsored event
23 for which an admission fee is charged or tickets are sold or
24 distributed, a graduation ceremony, or a baccalaureate
25 ceremony.

26 "(3) Enters a building or any other improvement in
27 this state owned, leased, rented, or controlled by or for the

1 operation of a school or enters upon the real property of a
2 school when school is not in session and when no
3 school-sponsored event is taking place.

4 "(4) Is the parent or guardian of a student enrolled
5 in a school and enters a building or any other improvement in
6 this state owned, leased, rented, or controlled by or for the
7 operation of a school or enters upon the real property of a
8 school for the purpose of delivering to the student medicine,
9 food, or personal items, provided that the items are delivered
10 directly to the school office, or attends a scheduled
11 parent-teacher conference, provided that the adult criminal
12 sex offender is escorted to and from the conference by a
13 designated school official or employee. An adult criminal sex
14 offender who is the parent or guardian of a child enrolled in
15 a school and wishes to enter a building or any other
16 improvement in this state owned, leased, rented, or controlled
17 by or for the operation of a school, or wishes to enter upon
18 the real property of a school in which the student is enrolled
19 for any other purpose shall give reasonable notice to the
20 school principal or his or her designee and inform the school
21 principal or his or her designee that he or she is an adult
22 criminal sex offender.

23 "(g)(i) No adult criminal sex offender, after having
24 been convicted of a criminal sex offense involving a child,
25 shall accept, maintain, or carry on any employment or vocation
26 at or within 500 feet of a school, child care facility, Boys
27 and Girls Club, YMCA, playground, park, athletic field or

1 facility, or any other business or facility having a principal
2 purpose of caring for, educating, servicing, catering to, or
3 entertaining minors.

4 ~~"(h) An adult criminal sex offender who knowingly~~
5 ~~violates the provisions of this section shall be guilty of a~~
6 ~~Class C felony.~~

7 "(j) No adult criminal sex offender, after having
8 been convicted of a criminal sex offense involving a child as
9 defined by subdivision (5) of Section 15-20-21, shall accept,
10 maintain, or carry on any employment where the sex offender
11 operates or travels on an ice cream truck or cart, or other
12 similar mobile vendor that caters primarily to children.

13 "(k) Notwithstanding any other provision of law, no
14 person shall provide or offer to provide for profit or
15 otherwise, supervision or care for a child under the age of
16 12, who is unrelated to the provider by blood, marriage, or
17 adoption, while the child's parents or guardian are not on the
18 premises in any of the following circumstances: The
19 supervision or care for a child under the age of 12 is offered
20 in a home and a resident of the home is an adult criminal sex
21 offender; or a provider of care for the supervision or care
22 for a child under the age of 12 is an adult criminal sex
23 offender who is required to register in accordance with this
24 act.

25 "(l) No juvenile criminal sex offender, who is
26 convicted or adjudicated guilty of a criminal sex offense

1 after the effective date of this act, shall reside in the same
2 residence where his or her victim resides.

3 "(m) An adult criminal sex offender who fails to
4 comply with the required registration provisions of this
5 subsection shall be guilty of a Class C felony.

6 "§15-20-26.2.

7 "(a) Every adult criminal sex offender who is a
8 resident of this state shall obtain within 30 days from
9 release or entering this state and always have in his or her
10 possession either a valid driver's license or identification
11 card issued by the Alabama Department of Public Safety. If any
12 adult criminal sex offender is ineligible to be issued a
13 driver's license or official identification card, the
14 Department of Public Safety shall provide the adult criminal
15 sex offender some other form of identification card or
16 documentation that, if it is kept in the adult criminal sex
17 offender's possession, shall satisfy the requirements of this
18 section. If any adult criminal sex offender is determined to
19 be indigent, an identification card or other documentation in
20 lieu thereof shall be issued to the adult criminal sex
21 offender at no cost. An adult criminal sex offender who
22 ~~knowingly~~ violates this provision shall be guilty of a Class C
23 felony.

24 "(b) Whenever the Department of Public Safety issues
25 or renews a driver's license or identification card to an
26 adult criminal sex offender, the driver's license or
27 identification card shall bear a designation that enables law

1 enforcement officers to identify the licensee as ~~a~~ an adult
2 criminal sex offender.

3 "(c) Every adult criminal sex offender convicted
4 after January 1, 2010, shall obtain a driver's license or
5 identification card prescribed by subsection (a) within 30
6 days of release.

7 "§15-20-28.

8 "(a) Sixty days prior to the projected release of a
9 juvenile criminal sex offender, the treatment provider shall
10 provide a risk assessment of the juvenile to the sentencing
11 court and the juvenile probation officer for any juvenile who
12 has been adjudicated delinquent of any criminal sex offense
13 not listed in subsection (b).

14 "(b) Any juvenile criminal sex offender who has been
15 adjudicated delinquent of any of the following offenses is not
16 entitled to a risk assessment and shall register as an adult
17 criminal sex offender as if he or she were an adult criminal
18 sex offender. Such juvenile criminal sex offender who has been
19 adjudicated delinquent after the effective date of this
20 amendatory act is also subject to community notification as if
21 he or she were an adult criminal sex offender as provided in
22 Section 15-20-25:

23 "(1) Rape in the first degree.

24 "(2) Sexual abuse in the first degree.

25 "(3) Sexual torture.

26 "(4) Sodomy in the first degree.

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

4 "(6) Rape in the second degree as proscribed by
5 subdivision (2) of subsection (a) of Section 13A-6-62.

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

8 "(8) 18 U.S.C. §2241.

9 "(9) 18 U.S.C. §2242.

10 "(10) 18 U.S.C. §2244.

11 "~~(b)(c)~~ Upon receiving the risk assessment, the
12 juvenile probation officer shall immediately notify the state,
13 and either the parent, guardian, ~~or~~ custodian, or attorney of
14 the juvenile criminal sex offender, ~~or attorney for the~~
15 ~~juvenile criminal sex offender~~ who has been adjudicated
16 delinquent of an offense under subsection (a), of the pending
17 release and provide them with the risk assessment.

18 "~~(c)(d)~~ Unless otherwise ordered by the sentencing
19 court, the juvenile criminal sex offender who has been
20 adjudicated delinquent of an offense under subsection (a)
21 shall not be subject to notification upon release.

22 "~~(d)(e)~~ Within ~~thirty~~ 30 days of receiving the risk
23 assessment for a juvenile offender who has been adjudicated
24 delinquent of an offense under subsection (a), the state may
25 petition the court to apply notification.

26 "~~(e)(f)~~ No juvenile criminal sex offender who has
27 been adjudicated delinquent of an offense under subsection (a)

1 shall be removed from the supervision of the court until such
2 time as ~~the~~ such juvenile criminal sex offender has completed
3 treatment, the treatment provider has filed a risk assessment
4 with the court, and the state has had an opportunity to file a
5 petition to apply notification.

6 "~~(f)~~ (g) Upon receiving a petition to apply
7 notification, the sentencing court shall conduct a hearing on
8 the risk of the juvenile criminal sex offender who has been
9 adjudicated delinquent of an offense under subsection (a) to
10 the community. The sentencing court may deny the petition or
11 grant the petition based upon, but not limited to, the
12 following factors relevant to the risk of re-offense:

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

19 "(2) Physical conditions that minimize risk of
20 re-offense, including, but not limited to, ~~advanced~~ age or
21 debilitating illness.

22 "(3) Criminal history factors indicative of high
23 risk of re-offense, including whether the offender's conduct
24 was found to be characterized by repetitive and compulsive
25 behavior.

26 "(4) Other criminal history factors to be considered
27 in determining risk, including:

1 "a. The relationship between the juvenile criminal
2 sex offender and the victim.

3 "b. Whether the criminal sex offense involved the
4 use of a weapon, violence, or infliction of serious bodily
5 injury.

6 "c. The number, date, and nature of prior offenses.

7 "(5) Whether psychological or psychiatric profiles
8 indicate a risk of recidivism.

9 "(6) The specified juvenile criminal sex offender's
10 response to treatment.

11 "(7) Recent behavior, including behavior while
12 confined or while under supervision in the community as well
13 as behavior in the community following service of sentence.

14 "(8) Recent threats against persons or expressions
15 of intent to commit additional crimes.

16 "~~(g)~~ (h) If the court determines there is a need for
17 notification, the level of notification to be applied shall be
18 as follows:

19 "(1) If the risk of re-offense is low, notification
20 that the juvenile criminal sex offender who has been
21 adjudicated delinquent of an offense under subsection (a) will
22 be establishing his or her residence shall be provided to the
23 principal of the school where the juvenile criminal sex
24 offender will attend after release. This notification shall
25 include the juvenile criminal sex offender's name, actual
26 living address, date of birth, and a statement of the criminal
27 sex offense for which he or she has been adjudicated

1 delinquent, including the age and gender of the victim. This
2 information shall be considered confidential by the school and
3 be shared only with the teachers and staff with supervision
4 over the juvenile criminal sex offender who has been
5 adjudicated delinquent of an offense under subsection (a).

6 Whomever, except as specifically provided herein, directly or
7 indirectly discloses or makes use of or knowingly permits the
8 use of information concerning a child described in ~~these~~
9 ~~subsections~~ subsection (a) to subsection (g), inclusive, upon
10 conviction thereof, shall be guilty of a Class A misdemeanor
11 within the jurisdiction of the juvenile court.

12 "(2) If the risk of re-offense is moderate,
13 notification that the juvenile criminal sex offender who has
14 been adjudicated delinquent of an offense under subsection (a)
15 will be establishing his or her residence shall be provided to
16 all schools and child care facilities within three miles of
17 the declared residence of the juvenile criminal sex offender.
18 A community notification flyer shall be made by regular mail
19 or hand delivered to all schools or child care facilities as
20 required by this subsection. A flyer shall also be on file
21 with the sheriff in the county of residence and made available
22 for public inspection. No other method may be used to
23 disseminate this information.

24 "(3) If the risk of re-offense is high, the public
25 shall receive notification as though the juvenile criminal sex
26 offender who has been adjudicated delinquent of an offense

1 under subsection (a) were an adult in accordance with Section
2 15-20-25.

3 ~~"(h)(i)~~ The determination of notification by the
4 sentencing court shall ~~not be subject to appeal~~ only be
5 appealable for abuse of discretion.

6 "§15-20-29.

7 "(a) Prior to release of the juvenile criminal sex
8 offender who has been adjudicated delinquent of an offense
9 under subsection (a) of Section 15-20-28, the following shall
10 apply:

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

18 "(2) If the parent, guardian, or custodian of the
19 juvenile criminal sex offender declares an address outside of
20 the state, the responsible agency shall, within ~~five~~ three
21 business days of the written declaration required by this
22 article, notify the Director of the Department of Public
23 Safety, the Attorney General of the state, ~~or~~ and the
24 ~~designated state law enforcement agency of the state~~ sheriff
25 of the county to which the parent, guardian, or custodian of
26 the juvenile criminal sex offender has declared the actual
27 living address. The notification shall include all information

1 available to the responsible agency that would be necessary to
2 identify and trace the juvenile criminal sex offender,
3 including, but not limited to, the risk assessment and a
4 current photograph of the juvenile criminal sex offender.

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

21 "(b) If the parent, custodian, or guardian of a
22 juvenile criminal sex offender intends to transfer the
23 residence of the juvenile criminal sex offender, or the
24 custody of the juvenile criminal sex offender is changed to a
25 different parent or guardian resulting in a transfer of
26 residence, the original parent or guardian in custody shall
27 declare in writing the actual living address of the intended

1 new residence for the juvenile criminal sex offender and
2 provide this information to the sheriff for the current
3 residence at least 14 days prior to moving to the new
4 location. The sheriff shall transfer the information to the
5 Department of Public Safety and the ~~sheriff of the county to~~
6 ~~which~~ local law enforcement official where the juvenile
7 criminal sex offender intends to move ~~or the chief of police.~~
8 ~~An intentional~~ A failure to provide a timely and accurate
9 written declaration shall constitute a Class A misdemeanor.

10 "(c) When a juvenile criminal sex offender becomes
11 the age of ~~majority~~ 18, the parent, guardian, or custodian of
12 the juvenile criminal sex offender shall no longer be subject
13 to the requirements under subsections (a) and (b), and the
14 juvenile criminal sex offender shall instead be subject to
15 ~~Section 15-20-22 or Section 15-20-23~~ this article pertaining
16 to adult criminal sex offenders as though he or she were an
17 adult criminal sex offender. Community notification, however,
18 shall not be allowed, ~~unless so ordered by the sentencing~~
19 ~~court~~ except as required by subsection (b) of Section
20 15-20-28.

21 "§15-20-30.

22 "(a) Sixty days after a juvenile criminal sex
23 offender's most current release and, except during ensuing
24 periods of incarceration, thereafter ~~on~~ within three days of
25 the anniversary date of a juvenile criminal sex offender's
26 birthday occurring more than 90 days after the release, the
27 Department of Public Safety shall mail a non-forwardable

1 verification form to the address of the juvenile criminal sex
2 offender addressed to the parent, guardian, or custodian of
3 the juvenile criminal sex offender. The ~~sheriff, or chief of~~
4 ~~police where applicable,~~ local law enforcement official where
5 the juvenile criminal sex offender resides shall be notified
6 of the pending verification and whether the verification form
7 was received by the parent, guardian, or custodian of the
8 juvenile criminal sex offender.

9 "(b) Within 10 days of the receipt of the
10 verification form, the parent, guardian, or custodian of the
11 juvenile criminal sex offender, accompanied by the juvenile
12 criminal sex offender, shall present in person the completed
13 verification form to the ~~sheriff, or chief of police where~~
14 ~~applicable,~~ local law enforcement official where the juvenile
15 criminal sex offender resides, who shall obtain fingerprints
16 and a photograph of the juvenile criminal sex offender. The
17 verification form shall be signed by the parent, guardian, or
18 custodian of the juvenile criminal sex offender and shall
19 state that the juvenile criminal sex offender still resides at
20 that address.

21 "(c) Within 30 days of the annual date of the
22 juvenile criminal sex offender's address verification, the
23 Department of Public Safety ~~shall,~~ in accordance with
24 guidelines promulgated by the Department of Public Safety,
25 shall receive from the appropriate ~~sheriff or chief of police~~
26 law enforcement official verification of the juvenile criminal
27 sex offender's address. Such guidelines shall ensure that

1 address verification is accomplished with respect to these
2 individuals and shall require the submission of fingerprints
3 and photographs of the individuals.

4 "(d) A parent, guardian, or custodian of a juvenile
5 criminal sex offender who fails to present in person a
6 completed verification form to the ~~sheriff, or chief of police~~
7 ~~where applicable,~~ local law enforcement official within 10
8 days, or ~~knowingly~~ fails to permit law enforcement personnel
9 to obtain fingerprints or a photograph of the juvenile
10 criminal sex offender shall have committed a Class C felony.

11 "(e) When a juvenile criminal sex offender becomes
12 the age of 18, the parent, guardian, or custodian of the
13 juvenile criminal sex offender shall no longer be subject to
14 the requirements under subsections (a) to subsection (d),
15 inclusive, and the juvenile criminal sex offender shall
16 instead be subject to Section 15-20-24 as though he or she
17 were an adult criminal sex offender. Community notification,
18 however, shall not be allowed, unless so ordered by the
19 sentencing court.

20 "§15-20-31.

21 "(a) For the purposes of this article, if a youthful
22 offender criminal sex offender has not been previously
23 adjudicated for a criminal sex offense, he or she shall be
24 considered a juvenile criminal sex offender. If a youthful
25 offender criminal sex offender has been previously adjudicated
26 or convicted of a criminal sex offense, he or she shall be
27 treated as an adult criminal sex offender. Juvenile criminal

1 sex offenders who have been found guilty of the following
2 offenses or any solicitation, attempt or conspiracy to commit
3 any of the following offenses shall be treated as adult
4 criminal sex offenders for purposes of this article:

5 "(1) Rape in the first degree.

6 "(2) Sexual abuse in the first degree.

7 "(3) Sexual torture.

8 "(4) Sodomy in the first degree.

9 "(5) Kidnapping of a minor, except by a parent, in
10 the first or second degree, as proscribed by Section 13A-6-43
11 or 13A-6-44.

12 "(6) Rape in the second degree as proscribed by
13 subdivision (2) of subsection (a) of Section 13A-6-62.

14 "(7) Sodomy in the second degree as proscribed by
15 subdivision (2) of subsection (a) of Section 13A-6-64.

16 "(8) 18 U.S.C. §2241.

17 "(9) 18 U.S.C. §2242.

18 "(10) 18 U.S.C. §2244.

19 "(b) A youthful offender criminal sex offender who
20 is treated as a juvenile criminal sex offender for purposes of
21 this article may not be released from the jurisdiction of the
22 sentencing court until the offender has undergone sex offender
23 treatment and a risk assessment as required by Sections
24 15-20-27 and 15-20-28.

25 "§15-20-32.

26 "In the case in which any ~~criminal~~ sex offender
27 escapes from a state or local correctional facility, juvenile

1 detention facility, or any other facility that would permit
2 unsupervised access to the public, the responsible agency
3 ~~shall~~, within 24 hours, shall notify the Department of Public
4 Safety, the sheriff and the chief of police having had
5 jurisdiction at the time of the criminal sex offense
6 conviction or adjudication, informing such of the name and
7 aliases of the ~~criminal~~ sex offender, of the time remaining to
8 be served, ~~if any,~~ on the full term for which the ~~criminal~~ sex
9 offender was incarcerated, and the nature of the crime for
10 which he or she was sentenced, transmitting at the same time a
11 copy of such ~~criminal~~ sex offender's fingerprints and current
12 photograph and a summary of his or her criminal record.

13 "§15-20-33.

14 "(a) ~~Any adult~~ Adult criminal sex offender offenders
15 shall be subject to this article for life.

16 "(b) A juvenile criminal sex offender shall not be
17 subject to residency restrictions, except as provided for in
18 subsection (k) of Section 15-20-26.

19 "~~(b)~~ (c) A juvenile criminal sex offender, whether
20 having been incarcerated or not, who resides within this
21 state, shall be subject to this article for a period of ~~ten~~ 10
22 years from the last date of release, unless that offender is
23 subject to registration as an adult in accordance with
24 subsection (b) of Section 15-20-28, who is treated as an adult
25 criminal sex offender for purposes of this article. A juvenile
26 criminal sex offender who is subsequently convicted as an

1 adult criminal sex offender within the ~~ten~~ 10-year period
2 shall be considered solely an adult criminal sex offender.

3 "~~(c)~~ (d) Nothing in this article shall preclude any
4 criminal sex offender from registering in accordance with
5 Section 13A-11-200; however, such registration unless
6 otherwise proscribed by this article does not trigger public
7 notification.

8 "§15-20-34.

9 "(a) Any notice provided to the community pursuant
10 to this article shall not contain the name or any other
11 information identifying the victim.

12 "(b) If the last known address of a victim is in the
13 State of Alabama, the responsible agency shall notify the
14 Attorney General's Office of Victim Assistance and ~~they~~ that
15 office shall send a notice to the victim that the ~~criminal~~ sex
16 offender will be released and the location at which the
17 ~~criminal~~ sex offender intends to reside.

18 "The Board of Pardons and Paroles shall furnish the
19 Attorney General's Office of Victim Assistance with any victim
20 information for victims whose offenders are subject to this
21 article. The Attorney General's Office of Victim Assistance
22 shall notify the victims who file a written request to be
23 notified of a ~~criminal~~ sex offender's pending release. This
24 request may be made on a form provided by the Attorney
25 General's Office of Victim Assistance. The Attorney General's
26 Office of Victim Assistance shall send a notice to the address
27 provided on the form notifying the victim that the ~~criminal~~

1 sex offender will be released and the location at which the
2 ~~criminal~~ sex offender will reside. It shall be the
3 responsibility of the victim to inform the Attorney General's
4 Office of Victim Assistance if the victim's address or any
5 other pertinent information on the notice request changes. If
6 the notice sent by the Attorney General's Office of Victim
7 Assistance is returned as undeliverable, no further action
8 shall be required of the Attorney General's Office of Victim
9 Assistance.

10 "§15-20-35.

11 "(a) The responsible agency shall cooperate with the
12 Director of the Department of Public Safety in a reasonable
13 manner that enables the Department of Public Safety to prepare
14 a ~~criminal~~ sex offender release notification form, designed by
15 the Department of Public Safety.

16 "(b) The information collected or maintained by the
17 Department of Public Safety, sheriff, or police department
18 under this article shall be used to track the locations and
19 movements of ~~criminal~~ sex offenders in this state and shall be
20 disclosed to any of the following:

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

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

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

6 "(d) No existing state laws, including, but not
7 limited to, statutes that would otherwise make juvenile and
8 youthful offender records confidential or subject to
9 expungement, shall preclude the disclosure of any information
10 requested by a responsible agency, a law enforcement officer,
11 a criminal justice agency, the Attorney General's Office, or a
12 district attorney for purposes of administering, implementing,
13 or enforcing this article. Notwithstanding any law to the
14 contrary, no conviction under this article shall be subject to
15 expungement.

16 "§15-20-36.

17 "~~No criminal~~ sex offender shall be allowed to change
18 his or her name unless the change is incident to a change in
19 the marital status of the ~~criminal~~ sex offender or is
20 necessary to effect the exercise of religion of the ~~criminal~~
21 sex offender. Such a change ~~must~~ shall be reported, in person,
22 to the ~~sheriff of the county in which~~ local law enforcement
23 official where the ~~criminal~~ sex offender resides within ~~30~~
24 three business days of the effective date of the change. If
25 the ~~criminal~~ sex offender is subject to the notification
26 provision of this article, the reporting of a name change
27 under this section shall invoke notification. An adult

1 criminal sex offender who fails to comply with the required
2 registration provisions of this section shall be guilty of a
3 Class C felony.

4 "§15-22-28.

5 "(a) It shall be the duty of the Board of Pardons
6 and Paroles, upon its own initiative, to make an investigation
7 of any and all prisoners confined in the jails and prisons of
8 the state with a view of determining the feasibility of
9 releasing the prisoners on parole and effecting their
10 reclamation. Reinvestigations shall be made from time to time
11 as the board may determine or as the Board of Corrections may
12 request. The investigations shall include such reports and
13 other information as the board may require from the Board of
14 Corrections or any of its officers, agents, or employees.

15 "(b) It shall be the duty of the Board of
16 Corrections to cooperate with the Board of Pardons and Paroles
17 for the purpose of carrying out the provisions of this
18 article.

19 "(c) Temporary leave from prison, including
20 Christmas furloughs, may be granted only by the Commissioner
21 of Corrections to a prisoner for good and sufficient reason
22 and may be granted within or without the state; provided, that
23 Christmas furloughs shall not be granted to any prisoner
24 convicted of drug peddling, ~~child molesting or rape~~ a criminal
25 sex offense, or to any maximum security prisoner. A permanent,
26 written record of all such temporary leaves, together with the
27 reasons therefor, shall be kept by such commissioner. He or

1 she shall furnish the ~~Pardon and Parole Board~~ Board of Pardons
2 and Paroles with a record of each such leave granted and the
3 reasons therefor, and the same shall be placed by the board in
4 the prisoner's file.

5 "(d) No prisoner shall be released on parole except
6 by a majority vote of the board, nor unless the board is
7 satisfied that he or she will be suitably employed in
8 self-sustaining employment or that he or she will not become a
9 public charge if so released. The board shall not parole any
10 prisoner for employment by any official of the State of
11 Alabama, nor shall any parolee be employed by an official of
12 the State of Alabama and be allowed to remain on parole;
13 provided, however, that this provision shall not apply in the
14 case of a parolee whose employer, at the time of the parolee's
15 original employment, was not a state official.

16 "(e) The board shall not grant a parole to any
17 prisoner who has not served at least one third or 10 years of
18 his or her sentence, whichever is the lesser, except by a
19 unanimous affirmative vote of the board.

20 "§15-22-36.

21 "(a) In all cases, except treason and impeachment
22 and cases in which sentence of death is imposed and not
23 commuted, as is provided by law, the Board of Pardons and
24 Paroles shall have the authority and power, after conviction
25 and not otherwise, to grant pardons and paroles and to remit
26 fines and forfeitures.

1 "(b) Notwithstanding any other provision of law, the
2 Board of Pardons and Paroles may not approve or order any
3 parole or pardon of a person convicted of a criminal sex
4 offense as defined by subdivision (4) of Section 15-20-21.

5 "~~(b)~~ (c) Each member of the Board of Pardons and
6 Paroles favoring a pardon, parole, remission of a fine or
7 forfeiture, or restoration of civil and political rights shall
8 enter in the file his or her reasons in detail, which entry
9 and the order shall be public records, but all other portions
10 of the file shall be privileged.

11 "~~(c)~~ (d) No pardon shall relieve one from civil and
12 political disabilities unless specifically expressed in the
13 pardon. No pardon shall be granted unless the prisoner has
14 successfully completed at least three years of permanent
15 parole or until the expiration of his or her sentence if his
16 or her sentence was for less than three years. Notwithstanding
17 the foregoing, a pardon based on innocence may be granted upon
18 the unanimous affirmative vote of the board following receipt
19 and filing of clear proof of his or her innocence of the crime
20 for which he or she was convicted and the written approval of
21 the judge who tried his or her case or district attorney or
22 with the written approval of a circuit judge in the circuit
23 where he or she was convicted if the judge who tried his or
24 her case is dead or no longer serving.

25 "~~(d)~~ (e) The Board of Pardons and Paroles shall have
26 no power to grant a pardon, order a parole, remit a fine or
27 forfeiture, or restore civil and political rights until 30

1 days' notice that the prisoner is being considered therefor
2 has been given by the board to the Attorney General, the judge
3 and the district attorney who tried the subject's case, the
4 chief of police in the municipality in which the crime
5 occurred, if the crime was committed in an incorporated area
6 with a police department, and to the sheriff of the county
7 where convicted, and to the same officials of the county where
8 the crime occurred if different from the county of conviction;
9 provided, however, that if they are dead or not serving, the
10 notice shall be given to the district attorney, incumbent
11 sheriff, and one of the judges of the circuit in which the
12 subject was convicted.

13 ~~"(e)~~ (f) (1) Until and unless at least 30 days'
14 written notice of the board's action to be considered has been
15 given by the board to the victim named in the indictment, or
16 if the victim is deceased as a result of the offense, the
17 victim's immediate family, the Board of Pardons and Paroles
18 shall have no power or authority to in any way approve or
19 order any parole, pardon, remission of fine or forfeiture,
20 restoration of civil and political rights, furlough, leave or
21 early release of a person convicted of the following offenses:

22 "a. A Class A felony.

23 "b. Any felony committed prior to the first day of
24 January, 1980, which if committed after the first day of
25 January, 1980, would be designated a Class A felony.

26 "c. Any felony involving violence, death, or any
27 physical injury to the person of another.

1 "d. Any felony involving unlawful sexual assault or
2 other unlawful sexual conduct on the person of another.

3 "e. Any felony involving sexual assault, or a lewd
4 or lascivious act upon a child under the age of 16 years or
5 attempt thereof.

6 "f. Sexual abuse or any other criminal conduct
7 committed prior to the first day of January, 1980, which if
8 committed after the first day of January, 1980, would be
9 defined as sexual abuse under the Alabama Criminal Code.

10 "g. Child abuse or any criminal conduct committed
11 prior to the first day of January, 1980, which if committed
12 after the first day of January, 1980, would be defined as
13 child abuse under the Alabama Criminal Code.

14 "h. Sodomy or any criminal conduct committed prior
15 to the first day of January, 1980, which if committed after
16 the first day of January, 1980, would be defined as sodomy
17 under the Alabama Criminal Code.

18 "i. Any violation of Section 13A-6-69, as amended.

19 "(2) The notice shall be given by U.S. mail,
20 certified mail, return receipt requested, and shall include:

21 "a. The name of the prisoner or defendant involved.

22 "b. The crime for which the prisoner or defendant
23 was convicted.

24 "c. The date of the sentence.

25 "d. The court in which the conviction occurred.

26 "e. The sentence imposed.

1 "f. The actual time the prisoner has been held in
2 confinement, as computed by the Department of Corrections,
3 without regard to the operation of any incentive good time, or
4 other good time laws.

5 "g. The action to be considered by the board.

6 "h. The date, time, and location of the board
7 meeting at which the action is to be considered.

8 "i. A statement that all persons required to be
9 notified under the provisions of this section will be allowed,
10 at their option, to either appear before the board or give
11 their views in writing.

12 "Notice for robbery victims who were robbed while on
13 duty as an employee of a business establishment shall be
14 sufficient if mailed to the last address provided by the
15 victim or as otherwise noted on the indictment or in the board
16 files.

17 "(3) Provided however, if the victim is a child the
18 notice shall be given to the parents of the victim, or in the
19 event there is no parent, to the guardian of the victim. If
20 the victim was a minor at the time of the offense, but has
21 attained majority by the time the notice is sent, the notice
22 shall be directed to the victim. Provided further, if the
23 victim is deceased as a result of the offense, the notice
24 shall be given to the surviving members of the victim's
25 immediate family, as defined by the operating procedures of
26 the Board of Pardons and Paroles, or in the event there is no
27 immediate family, to a relative of the victim, if any.

1 Provided further, such notice may be waived in writing by any
2 person who is entitled to receive such notice.

3 "(4) If the victim requests not to be notified, a
4 certified notice shall be sent to the victim confirming that
5 request and advising him or her that no further notices of
6 board hearings shall be sent unless he or she subsequently
7 contacts the board and submits a written request to be
8 notified of hearings in the future. Mailing of the certified
9 notice shall constitute confirmation unless the certification
10 is returned due to an incorrect address.

11 "(5) The board shall exercise due diligence to
12 locate victims to notify them of hearings. If all attempts to
13 locate a victim have failed and the agent of the board has
14 certified that due diligence has been exercised, no future
15 attempts shall be required to locate that victim. At any time
16 the victim may contact the board and request that the board
17 notify the victim of all future hearings.

18 "~~(f)~~ (g) After any board action is taken granting any
19 pardon or parole, the board shall promptly notify all persons
20 who are entitled to notice, pursuant to any provision of this
21 section as to the action taken by the board and the
22 conditions, if any, of any such parole or pardon."

23 Section 4. Sections 15-20-21.1, 15-20-24.1,
24 15-20-24.2, 15-20-25.4, 15-20-26.3, and 15-20-39 are added to
25 the Code of Alabama 1975, to read as follows:

26 §15-20-21.1.

1 Any sex offender who is not considered an adult
2 criminal sex offender prior to the effective date of this act,
3 but who is subject to the provisions of this act after its
4 passage, shall report to the local law enforcement official
5 where he or she resides within 90 days of the effective date
6 of this act. Within 30 days of the effective date of this act,
7 the Department of Public Safety shall notify any adult
8 criminal sex offender who is subject to the provisions of this
9 act that he or she is subject to such provisions. Within 60
10 days of receipt of this notification from the Department of
11 Public Safety, the adult criminal sex offender shall provide
12 in person the registration information required in subsection
13 (a) of Section 15-20-22. Within 90 days of the effective date
14 of this act, every adult criminal sex offender shall comply
15 with the requirements of this act, whether or not notice was
16 received from the Department of Public Safety.

17 §15-20-24.1.

18 Venue is proper in the county where the failure to
19 comply with registration requirements took place, at the
20 location of the last registered address of the sex offender,
21 or in the county in which the conviction occurred for the
22 offenses that meet the criteria for designating a person an
23 adult criminal sex offender.

24 §15-20-24.2.

25 (a) A sex offender who will be absent from the sex
26 offender's principal residence for more than 72 hours shall
27 inform the local law enforcement official in the county where

1 the sex offender's principal address is located, in person,
2 prior to his or her departure, of the following:

3 (1) That the sex offender will be absent from the
4 sex offender's principal residence for more than 72 hours.

5 (2) The location where the sex offender will be
6 located during the absence from the sex offender's principal
7 residence.

8 (3) The length of time the sex offender will be
9 absent from the sex offender's principal residence.

10 (b) A sex offender who will spend more than 72 hours
11 in a county in which the sex offender is not otherwise
12 required to register shall inform the local law enforcement
13 official in the county in which the sex offender is not
14 otherwise required to register, in person, of the following:

15 (1) That the sex offender will spend more than 72
16 hours in the county.

17 (2) The location where the sex offender will be
18 located while spending time in the county.

19 (3) The length of time the sex offender will remain
20 in the county.

21 (c) Upon request of the local law enforcement
22 official of the county in which the sex offender is not
23 otherwise required to register, the sex offender shall provide
24 the local law enforcement official with any additional
25 information that will assist the local law enforcement
26 official in determining the sex offender's whereabouts during
27 the sex offender's stay in the county.

1 (d) An adult criminal sex offender who fails to
2 comply with the required registration provisions of this
3 section shall be guilty of a Class C felony.

4 §15-20-25.4.

5 (a) Upon the initial verification that occurs after
6 the adult criminal sex offender's most current release
7 pursuant to Section 15-20-22 and upon every subsequent
8 verification pursuant to Section 15-20-24, the adult criminal
9 sex offender shall provide every required online identifier
10 and the name of any website or Internet communication service
11 where the identifier is being used.

12 (b) An adult criminal sex offender shall notify the
13 local law enforcement official where he or she resides, either
14 in person, electronically, or through other means approved by
15 the Department of Public Safety within 48 hours, excluding
16 weekends and legal holidays, after he or she makes any change
17 to any required online identifier, or creates a new required
18 online identifier, and before any use of a changed or new
19 identifier to communicate on the Internet. Within three
20 business days after receipt of the information, the local law
21 enforcement official shall forward the information to the
22 Department of Public Safety and to the local law enforcement
23 official of any other state or tribal jurisdiction where the
24 sex offender is required to register. Immediately upon receipt
25 of the information from the local law enforcement official,
26 the Department of Public Safety shall update the adult

1 criminal sex offender's information in the Department of
2 Public Safety database.

3 (c) The Department of Public Safety may disseminate
4 an adult criminal sex offender's required online identifier
5 and the name of any corresponding website or Internet
6 communication service to a business or organization that
7 offers electronic communication services for comparison with
8 information that is held by the requesting business or
9 organization. The requesting business or organization shall
10 notify the Department of Public Safety when a comparison of
11 the information indicates that an adult criminal sex
12 offender's required online identifier is being used on the
13 business's or organization's system. The requesting business
14 or organization shall not further disseminate the information
15 that the person is an adult criminal sex offender.

16 (d) If an adult criminal sex offender intends to
17 change his or her vehicle information; temporary lodging
18 information; or phone number, both for fixed location and
19 cellular phones; the adult criminal sex offender shall submit
20 in the form of a written declaration, either by registered or
21 certified mail, electronic mail, or hand delivery, notice of
22 the adult criminal sex offender's change in registration
23 information to the local law enforcement official where the
24 adult criminal sex offender resides within three business days
25 of the effective change of registration information. If the
26 adult criminal sex offender submits his or her written
27 declaration by registered or certified mail, the postmark

1 shall be no later than three days after the effective change
2 of registration information. Within three business days of the
3 adult criminal sex offender's registration update, the local
4 law enforcement official shall forward the adult criminal sex
5 offender's registration information to the Department of
6 Public Safety and the Alabama Criminal Justice Information
7 Center and to the local law enforcement official in Alabama or
8 any other state or tribal jurisdiction where the sex offender
9 is required to register.

10 (e) Upon the initial verification that occurs after
11 the adult criminal sex offender's most current release, the
12 adult criminal sex offender shall pay the local law
13 enforcement official a fee of two hundred fifty dollars
14 (\$250). An adult criminal sex offender shall also pay a
15 thirty-five dollar (\$35) fee to the local law enforcement
16 official each time the adult criminal sex offender transfers
17 his or her residence pursuant to Section 15-20-23, or each
18 time the adult criminal sex offender registers pursuant to
19 Section 15-20-25.1. These fees shall be used to defray the
20 costs of complying with this article. If an individual
21 required to pay any of these fees pursuant to this subsection
22 is indigent, the fee shall be reduced or waived, depending on
23 the ability of the individual to pay. The burden of proof is
24 on the individual claiming indigence to prove the fact of
25 indigence to the satisfaction of the local law enforcement
26 official making the indigency determination. The local law
27 enforcement official should consider the extent and liquidity

1 of assets and the disposable net income of the adult criminal
2 sex offender.

3 §15-20-26.3.

4 In determining the terms and conditions of probation
5 for an adult sex offender probationer who has been convicted
6 of any of the following offenses, the court may provide that
7 the probationer shall be subject to remote viewing of the
8 following, including, but not limited to, e-mails, web
9 history/content, and Internet connected computer content of
10 the adult criminal sex offender by probation officer:

11 (1) Soliciting a child by computer for the purposes
12 of committing a sexual act, as proscribed by Section
13 13A-6-110.

14 (2) Transmitting obscene material to a child by
15 computer, as proscribed by Section 13A-6-111.

16 §15-20-39.

17 (a) If the sex offender fails to register in person,
18 verify registration information in person, or otherwise appear
19 in person when required by this article, the law enforcement
20 agency of the county, or municipality where applicable, where
21 the in-person appearance was required, shall make every
22 reasonable effort to locate the sex offender who has failed to
23 appear. If the sex offender cannot be located within seven
24 business days of the time he or she was required to appear in
25 person by this article, a warrant shall be issued for the
26 absconding sex offender's arrest. In addition, the applicable
27 law enforcement agency shall notify the United States Marshals

1 Service and shall update the National Sex Offender Registry,
2 as well as the National Crime Information Center Wanted Person
3 File, to reflect the sex offender's status as an absconder.
4 Upon receiving notice of capture of any previously unlocatable
5 sex offender, the law enforcement agency of the county, or
6 municipality where applicable, where the in-person appearance
7 was required but not performed by the sex offender shall
8 notify the Department of Public Safety. The Department of
9 Public Safety shall notify the Alabama Criminal Justice
10 Information Center, the National Sex Offender Registry, and
11 the National Crime Information Center Wanted Person File of
12 the capture of a previously unlocatable sex offender, as well
13 as any law enforcement agency of any county, or municipality
14 where applicable, where the sex offender was registered or
15 required to register.

16 (b) If a local law enforcement or Department of
17 Public Safety official receives notice from any other state or
18 tribal jurisdiction that a sex offender will be working,
19 residing, or attending school in Alabama, and the sex offender
20 fails to appear for registration as required, the local law
21 enforcement or Department of Public Safety official shall
22 notify the local law enforcement official of any such other
23 state or tribal jurisdiction.

24 Section 5. (a) A person commits the crime of
25 indecent exposure toward a child if, with intent to arouse or
26 gratify sexual desire of himself or herself or of any other
27 person, he or she, being 19 years old or older, exposes his or

1 her genitals to a child less than 16 years of age under
2 circumstances in which the person knows his or her conduct is
3 likely to cause affront or alarm in any public place or on the
4 private premises of another or so near thereto as to be seen
5 from such private premises.

6 (b) Indecent exposure toward a child is a Class C
7 felony.

8 Section 6. (a) A person commits the crime of video
9 voyeurism when he or she has the intent to capture an image by
10 means of videotape, photograph, film, or recording by any
11 means, including, but not limited to, cellular phone or
12 personal data assistant, or electronically transmits a visual
13 image of a private area, including, but not limited to, the
14 naked or undergarment clad genitals, pubic area, buttocks, or
15 female breast of that individual, with the intent that it be
16 viewed by a person or persons, without the consent of the
17 victim, and knowingly does so under circumstances in which the
18 individual has a reasonable expectation of privacy.

19 (b) The crime of video voyeurism is a Class C
20 felony.

21 Section 7. (a) A person commits the crime of aiding
22 or abetting a convicted sex offender if the person has reason
23 to believe that a sex offender is not complying, or has not
24 complied, with the requirements of this act and, with the
25 intent to assist the sex offender in eluding a law enforcement
26 agency that is seeking to find the sex offender to question
27 the sex offender about, or to arrest the sex offender for, his

1 or her noncompliance with the requirements of this act the
2 person does any of the following:

3 (1) Withholds information from, or does not notify,
4 the law enforcement agency about the sex offender's
5 noncompliance with the requirements of this act, and, if
6 known, the whereabouts of the sex offender.

7 (2) Harbors, or attempts to harbor, or assists
8 another person in harboring or attempting to harbor, the sex
9 offender.

10 (3) Conceals or attempts to conceal, or assists
11 another person in concealing or attempting to conceal, the sex
12 offender.

13 (4) Provides information to the law enforcement
14 agency regarding the sex offender that the person knows to be
15 false information.

16 (b) The crime of aiding and abetting a convicted sex
17 offender is a Class C felony.

18 Section 8. If a court of competent jurisdiction
19 adjudges invalid or unconstitutional any clause, sentence,
20 paragraph, section, or part of this act, such judgment or
21 decree shall not affect, impair, invalidate, or nullify the
22 remainder of this act, but the effect of the decision shall be
23 confined to the clause, sentence, paragraph, section, or part
24 of this act adjudged to be invalid or unconstitutional.

25 Section 9. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 10. This act shall become effective October
7 1, 2010, following its passage and approval by the Governor,
8 or its otherwise becoming law.