

1 HB30
2 207845-1
3 By Representative Estes
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 10/29/2020

2
3
4
5
6
7
8 SYNOPSIS: Under current law, there is no statewide
9 registry for individuals convicted of terrorism.

10 This bill would create a statewide registry
11 for individuals convicted of certain federal
12 terrorism offenses and would provide for certain
13 information to be maintained in the registry,
14 provide for the time of registration, and require
15 local law enforcement agencies and the Alabama
16 State Law Enforcement Agency to register
17 individuals convicted of certain terrorism
18 offenses.

19 This bill would provide criminal penalties
20 for failure to register, provide for the
21 registration of homeless offenders, provide for a
22 searchable public website of offenders, establish
23 fees associated with registration, and provide
24 notification to law enforcement prior to certain
25 travel outside the state and the country.

1 The bill would also require the Alabama
2 State Law Enforcement Agency to adopt rules to
3 implement and administer the registry.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment.
20 However, the bill does not require approval of a
21 local governmental entity or enactment by a 2/3
22 vote to become effective because it comes within
23 one of the specified exceptions contained in the
24 amendment.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to terrorism; to add Article 7A, commencing
4 with Section 13A-10-160.01, to Chapter 10 of Title 13A, Code
5 of Alabama 1975; to create a statewide terrorism registry; to
6 specify the information to be maintained in the registry; to
7 provide for the time of registration; to require local law
8 enforcement agencies and the Alabama State Law Enforcement
9 Agency to register individuals convicted of terrorism; to
10 provide criminal penalties for failure to register; to provide
11 for the registration of homeless offenders; to provide for a
12 searchable public website of offenders; to establish fees
13 associated with registration; to provide notification to law
14 enforcement prior to certain travel outside the state and the
15 country; to require the Alabama State Law Enforcement Agency
16 to adopt rules to implement the registry; and in connection
17 therewith would have as its purpose or effect the requirement
18 of a new or increased expenditure of local funds within the
19 meaning of Amendment 621 of the Constitution of Alabama of
20 1901, now appearing as Section 111.05 of the Official
21 Recompilation of the Constitution of Alabama of 1901, as
22 amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Article 7A, commencing with Section
25 13A-10-160.01, is added to Chapter 10 of Title 13A, Code of
26 Alabama 1975, to read as follows:

27 Article 7A. Terrorism Registration.

1 §13A-10-160.01.

2 This act shall be known and may be cited as "The
3 Mike Spann Tribute Law."

4 §13A-10-160.02.

5 This article is applicable to a person convicted of
6 any federal terrorism offense under Chapter 113B of Part I of
7 Title 18 of the United States Code Annotated, without regard
8 to when the crime was committed or when the duty to register
9 arose.

10 §13A-10-160.03.

11 For the purposes of this article, the following
12 terms shall have the following meanings:

13 (1) AGENCY. The Alabama State Law Enforcement
14 Agency.

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

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

3 (3) IMMEDIATELY. Within three business days.

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

9 (5) REGISTERING AGENCY. The person or government
10 entity whose duty it is to obtain information from a terrorism
11 offender and to transmit that information to the Alabama State
12 Law Enforcement Agency. For a terrorism offender being
13 released from federal prison and who intends to establish a
14 residence in this state, the Alabama State Law Enforcement
15 Agency is responsible for gathering information relating to
16 the offender.

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

1 remain at the place for the periods specified in this
2 sentence. A person does not have to conduct an overnight visit
3 to reside at a place.

4 (7) RESIDENCE. A fixed residence or other place
5 where the person resides, regardless of whether the person
6 declares or characterizes the place as a residence.

7 (8) TERRORISM OFFENDER or OFFENDER. A person
8 convicted of any federal terrorism offense under Chapter 113B
9 of Part I of Title 18 of the United States Code Annotated.

10 §13A-10-160.04.

11 (a) Except as provided in subsection (b), the
12 registering agency shall obtain the following information from
13 a terrorism offender when registering the offender:

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

16 (2) Date of birth.

17 (3) Social Security number.

18 (4) Address of each residence.

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

24 (6) Name and address of any employer where the
25 terrorism offender works or will work, including any transient
26 or day laborer information.

1 (7) The license plate number, registration number or
2 identifier, description, and permanent or frequent location
3 where all vehicles that are used for work or personal use,
4 including land vehicles, aircraft, and watercraft are kept.

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

7 (9) A current photograph.

8 (10) A physical description of the terrorism
9 offender, including physical appearance, physical
10 characteristics, and identifying marks, such as scars and
11 tattoos.

12 (11) Fingerprints and palm prints.

13 (12) A DNA sample. The DNA sample may be collected
14 by the agency, or a law enforcement officer, a sheriff, or a
15 police officer. Prior to collecting a DNA sample, the
16 registering agency or agency shall determine if a DNA sample
17 has already been collected for the terrorism offender. If a
18 DNA sample has not been previously collected for the terrorism
19 offender, the agency shall coordinate for the collection of a
20 DNA sample with the sheriff of the county in which the
21 terrorism offender resides. The collection of a DNA sample
22 shall be performed using materials recommended or provided by
23 the Alabama Department of Forensic Sciences. The DNA sample
24 shall be immediately forwarded by the entity collecting the
25 sample to the Department of Forensic Sciences.

26 (13) A photocopy of the valid driver license or
27 identification card.

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

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

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

10 (17) Any other information deemed necessary by the
11 secretary of the agency.

12 (b) Following the initial registration of a
13 terrorism offender under subsection (a), the registering
14 agency is not required to obtain the following information for
15 subsequent registration verifications if the registering
16 agency has verified the information has already been collected
17 and has not been changed or altered:

18 (1) A current photograph.

19 (2) Fingerprints or palm prints.

20 (3) A DNA sample.

21 (4) A photocopy of the valid driver license or
22 identification card.

23 (5) A photocopy of any and all passport and
24 immigration documents.

25 (c) The registration information shall be
26 transmitted to the agency in a manner provided for by rule.

1 (d) The required registration information shall
2 include a form explaining all registration duties, including
3 any requirements and restrictions placed on the terrorism
4 offender. This form shall be signed and dated by the terrorism
5 offender. If the terrorism offender fails to sign the form,
6 the designee of the registering agency shall sign the form
7 stating that the requirements have been explained to the
8 offender and that the offender refused to sign.

9 (e) All required registration information shall be
10 stored electronically in a manner determined by the secretary
11 of the agency and shall be available in an electronic format
12 from the agency to anyone entitled to receive the information
13 as provided in Section 13A-10-160.12.

14 (f) Any person who knowingly fails to provide the
15 required registration information, or who knowingly provides
16 false information, pursuant to this section shall be guilty of
17 a Class C felony.

18 §13A-10-160.05.

19 (a) Any terrorism offender who declares he or she is
20 entering the state to establish a residence or who enters this
21 state to establish a residence shall immediately appear in
22 person and register all required registration information with
23 local law enforcement where the terrorism offender intends to
24 establish or establishes a residence.

25 (b) Any terrorism offender who enters this state to
26 accept employment, a volunteer position, or to become a
27 student shall immediately appear in person and register all

1 required registration information with local law enforcement
2 in each county where the offender accepts employment, the
3 volunteer position, or becomes a student.

4 (c) Whenever a terrorism offender registers pursuant
5 to this section, he or she shall be subject to the
6 requirements of this article.

7 (d) Within 30 days of initial registration, the
8 terrorism offender shall provide each registering agency a
9 certified copy of his or her terrorism conviction; however, an
10 offender shall be exempt from this subsection if the offender
11 provides adequate documentation that the certified record is
12 no longer available or has been destroyed.

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

15 §13A-10-160.06.

16 (a) Immediately upon establishing a new residence,
17 accepting employment, accepting a volunteer position, or
18 beginning school attendance, the terrorism offender shall
19 appear in person to register with local law enforcement in
20 each county in which the offender establishes a residence,
21 accepts employment, accepts a volunteer position, or begins
22 school attendance.

23 (b) (1) Immediately upon transferring or terminating
24 any residence, employment, volunteer position, or school
25 attendance, the terrorism offender shall appear in person to
26 notify local law enforcement in each county in which the

1 terrorism offender is transferring or terminating residence,
2 employment, volunteer position, or school attendance.

3 (2) Whenever a terrorism offender transfers his or
4 her residence, as provided in subdivision (1), from one county
5 to another county, the sheriff of the county from which the
6 terrorism offender is transferring his or her residence shall
7 immediately notify local law enforcement in the county in
8 which the terrorism offender intends to reside.

9 (3) If a terrorism offender transfers his or her
10 residence, as provided in subdivision (1), from one county to
11 another jurisdiction, the sheriff of the county from which the
12 terrorism offender is transferring his or her residence shall
13 immediately notify the chief law enforcement agency in the
14 jurisdiction in which the offender intends to reside.

15 (c) Immediately upon any name change, subject to the
16 restrictions provided in 13A-10-160.10, the terrorism offender
17 shall immediately appear in person to update the information
18 with local law enforcement in each county in which the
19 offender is required to register.

20 (d) (1) Upon changing any required registration
21 information, including by transferring or terminating a
22 residence, the terrorism offender shall immediately appear in
23 person and update the information with local law enforcement
24 in each county in which the terrorism offender resides.
25 Provided, however, any changes in telephone numbers and email
26 addresses may be reported to local law enforcement in person,

1 electronically, or telephonically as required by the local law
2 enforcement agency.

3 (2) Notwithstanding any other provision of law
4 regarding the establishment of a residence, a terrorism
5 offender shall be deemed to have transferred or terminated his
6 or her residence for purposes of subdivision (1) whenever the
7 offender vacates his or her residence or fails to spend three
8 or more consecutive days at his or her residence without
9 previously notifying local law enforcement or completing a
10 travel notification document pursuant to Section
11 13A-10-160.08.

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

18 (f) At the time of the initial registration, and at
19 any subsequent times of registration, the reporting agency
20 shall provide the terrorism offender a form explaining any and
21 all duties and restrictions placed on the offender. The
22 terrorism offender shall read and sign this form stating that
23 he or she understands the duties and restrictions imposed by
24 this article. If the offender refuses to sign the form, the
25 designee of the registering agency shall sign the form stating
26 that the requirements have been explained to the offender and
27 that the offender refused to sign.

1 (g) For purposes of this section, a school includes
2 a public or private educational institution, including a
3 secondary school, a trade or professional school, or an
4 institution of higher education.

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

7 §13A-10-160.07.

8 (a) A terrorism offender who lacks a fixed residence
9 shall be considered homeless and shall appear in person and
10 report the change in fixed residence to local law enforcement
11 where he or she is located immediately upon the change in
12 fixed residence.

13 (b) In addition to complying with the registration
14 requirements pursuant to Section 13A-10-160.04, a homeless
15 terrorism offender who lacks a fixed residence, or who does
16 not provide an address at a fixed residence at the time of
17 release or registration, shall report in person once every
18 seven days to the law enforcement agency where he or she
19 resides. If the offender resides within the city limits of a
20 municipality, he or she shall report to the chief of police.
21 If the offender resides outside of the city limits of a
22 municipality he or she shall report to the sheriff of the
23 county. The weekly report shall be on a day specified by the
24 local law enforcement agency and shall occur during normal
25 business hours.

1 (c) (1) Each time a homeless terrorism offender
2 reports under this section, he or she shall provide all of the
3 following information:

4 a. Name.

5 b. Date of birth.

6 c. Social Security number.

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

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

12 (2) The registering agency is not required to obtain
13 the remaining required registration information from the
14 homeless terrorism offender each time he or she reports to the
15 registering agency unless the homeless offender has any
16 changes to the remaining required registration information.

17 (d) If a terrorism offender who was homeless obtains
18 a fixed residence, the offender shall immediately appear in
19 person to update the information with local law enforcement in
20 each county of residence.

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

23 §13A-10-160.08.

24 (a) Immediately before a terrorism offender
25 temporarily leaves his or her county of residence for a period
26 of three or more consecutive days, the offender shall report

1 in person to the sheriff in each county of residence and
2 complete and sign a travel notification document.

3 (b) The travel notification document shall be on a
4 form prescribed by the Alabama State Law Enforcement Agency to
5 collect dates of travel, the intended destination or
6 destinations, temporary lodging information, and any other
7 information reasonably necessary to monitor an offender who
8 plans to travel.

9 (c) If a terrorism offender intends to travel to
10 another country, he or she shall report in person to the
11 sheriff in each county of residence and complete a travel
12 notification document at least 21 days prior to the travel. If
13 the travel to another country is for a family or personal
14 medical emergency or a death in the family, then the offender
15 shall report in person to the sheriff in each county of
16 residence immediately prior to travel. Any information
17 reported to the sheriff in each county of residence shall
18 immediately be reported to the United States Marshals Service
19 and the Alabama State Law Enforcement Agency.

20 (d) The travel notification document shall explain
21 the duties of the terrorism offender regarding travel as
22 prescribed by the Alabama State Law Enforcement Agency and a
23 certification that the offender understands the duties
24 required of him or her and that the information he or she
25 provided on the travel notification document is true and
26 correct. No offender shall provide false information on the
27 travel notification document.

1 (e) The sheriff in each county of residence shall
2 immediately notify local law enforcement in the county or the
3 jurisdiction to which the terrorism offender will be
4 traveling.

5 (f) Upon return to the county of residence, the
6 terrorism offender shall immediately report to the sheriff in
7 each county of residence.

8 (g) All completed travel notification documents
9 shall be included with the terrorism offender's required
10 registration information.

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

13 §13A-10-160.09.

14 (a) A terrorism offender shall pay a registration
15 fee in the amount of ten dollars (\$10) to each registering
16 agency where the offender resides beginning with the first
17 quarterly registration after the effective date of this act,
18 and at each quarterly registration thereafter.

19 (b) Each time a terrorism offender terminates his or
20 her residence and establishes a new residence, he or she shall
21 pay a registration fee in the amount of ten dollars (\$10) to
22 each registering agency where the offender establishes a new
23 residence.

24 (c) If, at the time of registration, the terrorism
25 offender is unable to pay the registration fee, the
26 registering agency may require the offender to pay the fee in
27 installments not to exceed 90 days. The registering agency

1 shall waive the registration fee if the offender has an order
2 from the court declaring his or her indigence. In the event
3 the offender is determined to be indigent, a periodic review
4 of the offender's indigent status shall be conducted by the
5 court to determine if the offender is no longer indigent.
6 Further, if the offender is determined to be indigent by the
7 sentencing court, nothing in this article shall prohibit the
8 offender from being placed on a payment plan where the entire
9 fee is collected in total.

10 (d) (1) The fees collected under this section shall
11 be appropriated to the registering agency to defray the costs
12 associated with terrorism offender's registration and
13 verification.

14 (2) Any and all registration fees collected by the
15 sheriff, or his or her designee, shall be deposited in the
16 county general fund and earmarked for use by the sheriff. The
17 fees shall be paid to the sheriff upon his or her request to
18 be used at the discretion of the sheriff for any law
19 enforcement purpose related to terrorism offender
20 registration, tracking, or apprehension.

21 (3) The monies provided in this section and the use
22 of the funds shall in no way diminish or take the place of any
23 other reimbursement or other source of income established for
24 the sheriff or the operation of his or her office.

25 (4) Any and all registration fees collected by a
26 chief of police, or his or her designee, shall be deposited
27 into the municipal general fund and made available to the

1 affected law enforcement agency or department upon requisition
2 of the chief law enforcement official of the agency or
3 department and shall be used for any lawful purpose related to
4 terrorism offender registration, tracking, or apprehension.

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

9 (e) Any person who willfully fails to pay the
10 required registration fee at the time of registration, or at
11 the time at which the installment payment is due, shall be
12 guilty of a Class B misdemeanor. Upon a second or subsequent
13 conviction for willful failure to pay the required
14 registration fee, the offender shall be guilty of a Class A
15 misdemeanor.

16 §13A-10-160.10.

17 (a) A terrorism offender may not change his or her
18 name unless the change is incident to a change in the marital
19 status of the offender or is necessary to effect the exercise
20 of the religion of the offender. Any change shall be
21 immediately reported to local law enforcement in each county
22 in which the offender is required to register.

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

25 §13A-10-160.11.

26 (a) When a terrorism offender declares, and the
27 county is notified, that an offender intends to reside,

1 maintain employment or a volunteer position, or attend school
2 in the county and the offender fails to appear for
3 registration, the county that received the notice shall
4 immediately inform the sheriff of the county that provided the
5 notice that the offender failed to appear for registration.

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

11 (c) If no determination can be made as to whether
12 the terrorism offender has absconded, the sheriff of the
13 county in which the offender failed to appear for registration
14 shall immediately notify the Alabama State Law Enforcement
15 Agency and the United States Marshals Service that the
16 offender cannot be located and provide any information
17 available to determine whether the offender absconded to the
18 United States Marshals Service.

19 (d) Once a determination is made that the terrorism
20 offender has absconded, all of the following shall occur:

21 (1) The sheriff of the county from which the
22 offender has absconded shall immediately obtain a warrant for
23 the arrest of the offender.

24 (2) The sheriff of the county from which the
25 offender has absconded shall immediately notify the United
26 States Marshals Service and the Alabama State Law Enforcement
27 Agency.

1 (3) The Alabama State Law Enforcement Agency shall
2 immediately notify the National Criminal Information Center.

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

10 §13A-10-160.12.

11 (a) All registering agencies shall immediately
12 forward all required registration information and any changes
13 to the required registration information to the Alabama State
14 Law Enforcement Agency in a manner provided for by rule.

15 (b) The agency shall immediately enter all
16 registration information received into its terrorism offender
17 database.

18 (c) Upon request, all registration information shall
19 be available in electronic form to all federal, state, county,
20 and municipal law enforcement agencies, prosecuting attorneys,
21 or probation officers.

22 (d) The sheriff of each county shall maintain a
23 register or roster of the names of all persons registered by
24 his or her office pursuant to this article. The information
25 center in the register or roster shall be made available, upon
26 request, to all federal, state, county, and municipal law

1 enforcement agencies, prosecuting attorneys, or probation
2 officers.

3 §13A-10-160.13.

4 The Alabama State Law Enforcement Agency shall adopt
5 procedures to establish checks of federal convictions for
6 terrorism offenses and public records in this state to
7 identify any Alabama residents who may be subject to the
8 registration requirements under this article, as well as
9 notification procedures to those offenders who are subject to
10 registration.

11 §13A-10-160.14.

12 Nothing in this article shall be construed as
13 creating a cause of action against the state or any of its
14 agencies, officials, employees, or political subdivisions
15 based on the performance of any duty imposed by this article
16 or the failure to perform any duty imposed by this article.

17 §13A-10-160.15.

18 The Alabama State Law Enforcement Agency shall adopt
19 rules for the implementation and administration of this
20 article.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective January
4 1, 2022, following its passage and approval by the Governor,
5 or its otherwise becoming law.