

1 SB296  
2 128717-3  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 29-MAR-11

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3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to sex offender registration and  
12 notification; to repeal Sections 13A-11-200, 13A-11-201, and  
13 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code  
14 of Alabama 1975, to provide a system for registration by  
15 adults and juveniles convicted of certain sex offenses; to  
16 provide a system of notification of victims and other members  
17 of the general public of information regarding certain sex  
18 offenders; to provide residence and employment restrictions  
19 for sex offenders; to provide for registration fees; to  
20 provide for the duties of clerks of court, magistrates, and  
21 judges with regard to sex offenders; and in connection  
22 therewith would have as its purpose or effect the requirement  
23 of a new or increased expenditure of local funds within the  
24 meaning of Amendment 621 of the Constitution of Alabama of  
25 1901, now appearing as Section 111.05 of the Official  
26 Recompilation of the Constitution of Alabama of 1901, as  
27 amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited  
3 as the Alabama Sex Offender Registration and Community  
4 Notification Act.

5 Section 2. The Legislature makes all of the  
6 following findings:

7 (1) Registration and notification laws are a vital  
8 concern as the number of sex offenders continues to rise. The  
9 increasing numbers coupled with the danger of recidivism place  
10 society at risk. Registration and notification laws strive to  
11 reduce these dangers by increasing public safety and mandating  
12 the release of certain information to the public. This release  
13 of information creates better awareness and informs the public  
14 of the presence of sex offenders in the community, thereby  
15 enabling the public to take action to protect themselves.  
16 Registration and notification laws aid in public awareness and  
17 not only protect the community but serve to deter sex  
18 offenders from future crimes through frequent in-person  
19 registration. Frequent in-person registration maintains  
20 constant contact between sex offenders and law enforcement,  
21 providing law enforcement with priceless tools to aid them in  
22 their investigations including obtaining information for  
23 identifying, monitoring, and tracking sex offenders.

24 (2) Juvenile sex offenders also pose a risk to the  
25 community. Due to juvenile sex offenders offending in their  
26 formative years, it is imperative that they receive sex  
27 offender treatment. At the completion of sex offender

1 treatment, all juvenile sex offenders must undergo a risk  
2 assessment, and a hearing must be held by the court to  
3 determine their level of risk to the community and the level  
4 of notification that should be provided to best protect the  
5 public. Juvenile sex offenders adjudicated delinquent of the  
6 most serious offenses who pose a greater threat should be  
7 subject to more stringent requirements.

8 (3) Homeless sex offenders are a group of sex  
9 offenders who need to be monitored more frequently for the  
10 protection of the public. Homeless sex offenders present a  
11 growing concern for law enforcement due to their mobility. As  
12 the number of homeless sex offenders increases, locating,  
13 tracking, and monitoring these offenders becomes more  
14 difficult.

15 (4) Sexually violent offenders also cause increased  
16 concern for law enforcement. These predators are repeat sexual  
17 offenders who use physical violence, offend on multiple  
18 victims, and prey on children. Due to their likelihood to  
19 engage in future sexually violent behavior, they present an  
20 extreme threat to the public safety. The Legislature declares  
21 that its intent in imposing additional tracking and monitoring  
22 requirements on sexually violent predators is to assist law  
23 enforcement in carrying out their duties and, most  
24 importantly, to protect the public, especially children.

25 (5) Sex offenders, due to the nature of their  
26 offenses, have a reduced expectation of privacy. In balancing  
27 the sex offender's rights, and the interest of public safety,

1 the Legislature finds that releasing certain information to  
2 the public furthers the primary governmental interest of  
3 protecting vulnerable populations, particularly children.  
4 Employment and residence restrictions, together with  
5 monitoring and tracking, also further that interest. The  
6 Legislature declares that its intent in imposing certain  
7 registration, notification, monitoring, and tracking  
8 requirements on sex offenders is not to punish sex offenders  
9 but to protect the public and, most importantly, promote child  
10 safety.

11           Section 3. (a) This act is applicable to every adult  
12 sex offender convicted of a sex offense as defined in Section  
13 5, without regard to when his or her crime or crimes were  
14 committed or his or her duty to register pursuant to the act  
15 arose.

16           (b) Any adult sex offender shall be subject to this  
17 act for life.

18           (c) This act is applicable to juvenile sex offenders  
19 who are adjudicated delinquent pursuant to the Alabama  
20 Juvenile Justice Act, Sections 12-15-101 to 12-15-601,  
21 inclusive, formerly Sections 12-15-1 to 12-15-176, inclusive,  
22 Code of Alabama 1975, of a sex offense as defined in Section  
23 5.

24           (d) A juvenile sex offender adjudicated delinquent  
25 of a sex offense as defined in Section 5 on or after July 1,  
26 2011, shall be subject to this act for the duration of time as  
27 provided in Section 28. A juvenile sex offender adjudicated

1 delinquent of a sex offense as defined in Section 5 prior to  
2 July 1, 2011, shall be subject to registration and  
3 verification pursuant to this act for 10 years from the last  
4 date of release on the sex offense subjecting the juvenile sex  
5 offender to registration, and the juvenile sex offender shall  
6 be subject to notification during the registration period if  
7 notification was previously ordered by the sentencing court.

8 (e) This act is applicable to youthful offender sex  
9 offenders who are adjudicated as a youthful offender pursuant  
10 to the Youthful Offender Act, Sections 15-19-1 to 15-19-7,  
11 Code of Alabama 1975, of a sex offense as defined in Section  
12 5.

13 (f) A youthful offender sex offender adjudicated as  
14 a youthful offender of a sex offense as defined in Section 5  
15 on or after July 1, 2011, shall be subject to this act as  
16 provided in Section 36. A youthful offender sex offender  
17 adjudicated as a youthful offender of a sex offense as defined  
18 in Section 5 prior to July 1, 2011, shall be treated as  
19 follows:

20 (1) If the youthful offender sex offender was not  
21 previously adjudicated or convicted of a sex offense, he or  
22 she shall be treated as a juvenile sex offender adjudicated  
23 prior to July 1, 2011, pursuant to subsection (d).

24 (2) If the youthful offender sex offender was  
25 previously adjudicated or convicted of a sex offense, he or  
26 she shall be treated as an adult sex offender pursuant to  
27 subsection (b).

1           Section 4. For purposes of this act, the following  
2 words shall have the following meanings:

3           (1) ADULT SEX OFFENDER. An adult convicted of a sex  
4 offense.

5           (2) CHILD. A person who has not attained the age of  
6 12.

7           (3) CHILDCARE FACILITY. A licensed child daycare  
8 center, a licensed childcare facility, or any other childcare  
9 service that is exempt from licensing pursuant to Section  
10 38-7-3, Code of Alabama 1975, provided that the childcare  
11 service and location are public record.

12           (4) CONVICTION. A determination or judgment of guilt  
13 following a verdict or finding of guilt as the result of a  
14 trial, a plea of guilty, a plea of nolo contendere, or an  
15 Alford plea. Conviction includes, but is not limited to, a  
16 conviction in a United States territory, a conviction in a  
17 federal or military tribunal, including a court martial  
18 conducted by the Armed Forces of the United States, a  
19 conviction for an offense committed on an Indian reservation  
20 or other federal property, a conviction in any state of the  
21 United States or a conviction in a foreign country if the  
22 foreign country's judicial system is such that it satisfies  
23 minimum due process set forth in the guidelines under Section  
24 111(5) (B) of Public Law 109-248. Cases on appeal are deemed  
25 convictions until reversed or overturned.

26           (5) EMPLOYMENT. Employment that is full-time,  
27 part-time, self-employment, or employment as an independent

1 contractor or day laborer for any period, whether financially  
2 compensated, volunteered, or for the purpose of government or  
3 educational benefit.

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

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

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

10 (9) IMMEDIATELY. Within three business days.

11 (10) IMMEDIATE FAMILY MEMBER. A grandparent, parent,  
12 sibling, spouse, child by blood, adoption, or marriage, or  
13 grandchild.

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

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

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

24 (14) MINOR. A person who has not attained the age of  
25 18.

26 (15) PREDATORY. An act directed at a stranger, a  
27 person of casual acquaintance, or with whom no substantial



1 relationship exists, or a person with whom a relationship has  
2 been established or promoted for the purpose of victimization  
3 of that person or individuals over whom that person has  
4 control.

5 (16) PRIOR CONVICTION. The person has served and has  
6 been released or discharged from, or is serving, a separate  
7 period of incarceration, commitment, or supervision for the  
8 commission of a sex offense, as defined by Section 5, prior  
9 to, or at the time of, committing another sex offense.

10 (17) REGISTERING AGENCY. Any law enforcement agency  
11 where the sex offender registers required registration  
12 information.

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

23 (19) REQUIRED REGISTRATION INFORMATION. Any  
24 information required pursuant to Section 7.

25 (20) RESIDENCE. Each fixed residence or other place  
26 where a person resides, sleeps, or habitually lives or will  
27 reside, sleep, or habitually live. If a person does not

1       reside, sleep, or habitually live in a fixed residence,  
2       residence means a description of the locations where the  
3       person is stationed regularly, day or night, including any  
4       mobile or transitory living quarters or locations that have no  
5       specific mailing or street address. Residence shall be  
6       construed to refer to the places where a person resides,  
7       sleeps, habitually lives, or is stationed with regularity,  
8       regardless of whether the person declares or characterizes  
9       such place as a residence.

10               (21) RESPONSIBLE AGENCY. The person or government  
11       entity whose duty it is to obtain information from a sex  
12       offender and to transmit that information to the Department of  
13       Public Safety, police departments, and sheriffs. For a sex  
14       offender being released from state prison, the responsible  
15       agency is the Department of Corrections. For a sex offender  
16       being released from a county jail, the responsible agency is  
17       the sheriff of that county. For a sex offender being released  
18       from a municipal jail, the responsible agency is the chief of  
19       police of that municipality. For a sex offender being placed  
20       on probation, including conditional discharge or unconditional  
21       discharge, without any sentence of incarceration, the  
22       responsible agency is the sentencing court or designee of the  
23       sentencing court. For a juvenile sex offender being released  
24       from the Department of Youth Services, the responsible agency  
25       is the Department of Youth Services. For a sex offender who is  
26       being released from a jurisdiction outside this state and who  
27       is to reside in this state, the responsible agency is the

1       sheriff of the county in which the offender intends to  
2       establish a residence.

3               (22) RISK ASSESSMENT. A written report on the  
4       assessment of risk for sexually re-offending conducted by a  
5       sex offender treatment program approved by the Department of  
6       Youth Services. The report shall include, but not be limited  
7       to, the following regarding the juvenile sex offender:  
8       criminal history, mental status, attitude, previous sexual  
9       offender treatment and response to treatment, social factors,  
10      conditions of release expected to minimize risk of sexual  
11      re-offending, and characteristics of the sex offense.

12              (23) SCHOOL. A licensed or accredited public,  
13      private, or church school that offers instruction in grades  
14      K-12. The definition does not include a private residence in  
15      which students are taught by parents or tutors or any facility  
16      dedicated exclusively to the education of adults unless that  
17      facility has a childcare facility as defined in subsection  
18      (3).

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

21              (25) SEX OFFENSE INVOLVING A CHILD. A conviction for  
22      any sex offense in which the victim was a child or any offense  
23      involving child pornography.

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

1           (27) SEX OFFENDER. Includes any adult sex offender,  
2 any youthful offender sex offender, and any juvenile sex  
3 offender.

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

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

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

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

21           Section 5. For the purposes of this act, a sex  
22 offense includes any of the following offenses:

23           (1) Rape in the first degree, as provided by Section  
24 13A-6-61, Code of Alabama 1975.

25           (2) Rape in the second degree, as provided by  
26 Section 13A-6-62, Code of Alabama 1975.

1           (3) Sodomy in the first degree, as provided by  
2           Section 13A-6-63, Code of Alabama 1975.

3           (4) Sodomy in the second degree, as provided by  
4           Section 13A-6-64, Code of Alabama 1975.

5           (5) Sexual misconduct, as provided by Section  
6           13A-6-65, Code of Alabama 1975, provided that on a first  
7           conviction or adjudication the sex offender is only subject to  
8           registration and verification pursuant to this act. On a  
9           second or subsequent conviction or adjudication, if the second  
10          or subsequent conviction or adjudication does not arise out of  
11          the same set of facts and circumstances as the first  
12          conviction, the sex offender shall comply with all  
13          requirements of this act.

14          (6) Sexual torture, as provided by Section  
15          13A-6-65.1, Code of Alabama 1975.

16          (7) Sexual abuse in the first degree, as provided by  
17          Section 13A-6-66, Code of Alabama 1975.

18          (8) Sexual abuse in the second degree, as provided  
19          by Section 13A-6-67, Code of Alabama 1975.

20          (9) Indecent exposure, as provided by Section  
21          13A-6-68, Code of Alabama 1975, provided that on a first  
22          conviction or adjudication the sex offender is only subject to  
23          registration and verification pursuant to this act. On a  
24          second or subsequent conviction or adjudication, if the second  
25          or subsequent conviction or adjudication does not arise out of  
26          the same set of facts and circumstances as the first

1 conviction, the sex offender shall comply with all  
2 requirements of this act.

3 (10) Enticing a child to enter a vehicle, room,  
4 house, office, or other place for immoral purposes, as  
5 provided by Section 13A-6-69, Code of Alabama 1975.

6 (11) Sexual abuse of a child less than 12 years old,  
7 as provided by Section 13A-6-69.1, Code of Alabama 1975.

8 (12) Promoting prostitution in the first degree, as  
9 provided by Section 13A-12-111, Code of Alabama 1975.

10 (13) Promoting prostitution in the second degree, as  
11 provided by Section 13A-12-112, Code of Alabama 1975.

12 (14) Violation of the Alabama Child Pornography Act,  
13 as provided by Sections 13A-12-191, 13A-12-192, 13A-12-196, or  
14 13A-12-197, Code of Alabama 1975.

15 (15) Unlawful imprisonment in the first degree, as  
16 provided by Section 13A-6-41, Code of Alabama 1975, if the  
17 victim of the offense is a minor.

18 (16) Unlawful imprisonment in the second degree, as  
19 provided by Section 13A-6-42, Code of Alabama 1975, if the  
20 victim of the offense is a minor.

21 (17) Kidnapping in the first degree, as provided by  
22 subdivision (4) of subsection (a) of Section 13A-6-43, Code of  
23 Alabama 1975, if the intent of the abduction is to violate or  
24 abuse the victim sexually.

25 (18) Kidnapping of a minor, except by a parent,  
26 guardian, or custodian, as provided by Section 13A-6-43 or  
27 13A-6-44, Code of Alabama 1975.

1           (19) Incest, as provided by Section 13A-13-3, Code  
2 of Alabama 1975.

3           (20) Transmitting obscene material to a child by  
4 computer, as provided by Section 13A-6-111, Code of Alabama  
5 1975.

6           (21) School employee engaging in a sex act or  
7 deviant sexual intercourse with a student, as provided by  
8 Section 13A-6-81, Code of Alabama 1975.

9           (22) School employee having sexual contact with a  
10 student, as provided by Section 13A-6-82, Code of Alabama  
11 1975.

12           (23) Facilitating solicitation of unlawful sexual  
13 conduct with a child, as provided by Section 13A-6-121, Code  
14 of Alabama 1975.

15           (24) Electronic solicitation of a child, as provided  
16 by Section 13A-6-122, Code of Alabama 1975.

17           (25) Facilitating the on-line solicitation of a  
18 child, as provided by Section 13A-6-123, Code of Alabama 1975.

19           (26) Traveling to meet a child for an unlawful sex  
20 act, as provided by Section 13A-6-124, Code of Alabama 1975.

21           (27) Facilitating the travel of a child for an  
22 unlawful sex act, as provided by Section 13A-6-125, Code of  
23 Alabama 1975.

24           (28) Human trafficking in the first degree, as  
25 provided by Section 13A-6-152, Code of Alabama 1975, provided  
26 that the offense involves sexual servitude.

1           (29) Human trafficking in the second degree, as  
2 provided by Section 13A-6-153, Code of Alabama 1975, provided  
3 that the offense involves sexual servitude.

4           (30) Custodial sexual misconduct, as provided by  
5 Section 14-11-31, Code of Alabama 1975.

6           (31) Any offense which is the same as or equivalent  
7 to any offense set forth above as the same existed and was  
8 defined under the laws of this state existing at the time of  
9 such conviction, specifically including, but not limited to,  
10 crime against nature, as provided by Section 13-1-110; rape,  
11 as provided by Sections 13-1-130 and 13-1-131; carnal  
12 knowledge of a woman or girl, as provided by Section 13-1-132  
13 through 13-1-135, or attempting to do so, as provided by  
14 Section 13-1-136; indecent molestation of children, as defined  
15 and provided by Section 13-1-113; indecent exposure, as  
16 provided by Section 13-1-111; incest, as provided by Section  
17 13-8-3; offenses relative to obscene prints and literature, as  
18 provided by Sections 13-7-160 through 13-7-175, inclusive;  
19 employing, harboring, procuring or using a girl over 10 and  
20 under 18 years of age for the purpose of prostitution or  
21 sexual intercourse, as provided by Section 13-7-1; seduction,  
22 as defined and provided by Section 13-1-112; a male person  
23 peeping into a room occupied by a female, as provided by  
24 Section 13-6-6; assault with intent to ravish, as provided by  
25 Section 13-1-46; and soliciting a child by computer, as  
26 provided by Section 13A-6-110, Code of Alabama 1975.



1           (32) Any solicitation, attempt, or conspiracy to  
2       commit any of the offenses listed in subdivisions (1) to (31).

3           (33) Any crime committed in Alabama or any other  
4       state, the District of Columbia, any United States territory,  
5       or a federal, military, Indian, or foreign country  
6       jurisdiction which, if it had been committed in this state  
7       under the current provisions of law, would constitute an  
8       offense listed in subdivisions (1) to (32).

9           (34) Any offense specified by Title I of the federal  
10      Adam Walsh Child Protection and Safety Act of 2006 (Pub. L.  
11      109-248, the Sex Offender Registration and Notification Act  
12      (SORNA)).

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

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

21          (37) The foregoing notwithstanding, any crime  
22      committed in any jurisdiction which, irrespective of the  
23      specific description or statutory elements thereof, is in any  
24      way characterized or known as rape, sodomy, sexual assault,  
25      sexual battery, criminal sexual conduct, criminal sexual  
26      contact, sexual abuse, continuous sexual abuse, sexual  
27      torture, solicitation of a child, enticing or luring a child,

1 child pornography, lewd and lascivious conduct, taking  
2 indecent liberties with a child, molestation of a child,  
3 criminal sexual misconduct, or video voyeurism.

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

7 (39) Any crime not listed in this section involving  
8 sexual contact that may be created on or after July 1, 2011.

9 (40) Any other offense not provided for in this  
10 section wherein there is a finding of sexual motivation as  
11 provided by Section 6.

12 Section 6. (a) The prosecuting attorney may file an  
13 allegation of sexual motivation in any criminal case  
14 classified as a felony or Class A misdemeanor if sufficient  
15 admissible evidence exists that would justify a finding of  
16 sexual motivation by a reasonable and objective finder of  
17 fact.

18 (b) If the prosecuting attorney files an allegation  
19 of sexual motivation, the state shall prove beyond a  
20 reasonable doubt that the defendant committed the offense with  
21 a sexual motivation.

22 (c) The court shall make a written finding of fact,  
23 to be made part of the record upon conviction or adjudication,  
24 of whether or not a sexual motivation was present at the time  
25 of the commission of the offense unless the defendant has a  
26 trial by jury.

1 (d) If a defendant has a trial by jury, the jury, if  
2 it finds the defendant guilty, shall also find a special  
3 verdict as to whether or not the defendant committed the crime  
4 with a sexual motivation.

5 (e) If there is a finding of sexual motivation, the  
6 finding shall be made part of the record of conviction.

7 (f) For purposes of this section, sexual motivation  
8 means that one of the purposes for which the defendant  
9 committed the crime was for the purpose of the sexual  
10 gratification of the defendant.

11 (g) This section shall not apply to sex offenses as  
12 defined in subdivisions (1) to (39) of Section 5.

13 Section 7. (a) The following registration  
14 information, unless otherwise indicated, shall be provided by  
15 the sex offender when registering:

16 (1) Name, including any aliases, nicknames, ethnic,  
17 or Tribal names.

18 (2) Date of birth.

19 (3) Social Security number.

20 (4) Address of each residence.

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

1           (6) Name and address of any employer where the sex  
2 offender works or will work, including any transient or day  
3 laborer information.

4           (7) The license plate number, registration number or  
5 identifier, description, and permanent or frequent location  
6 where all vehicles are kept for any vehicle used for work or  
7 personal use, including land vehicles, aircraft, and  
8 watercraft.

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

11           (9) Any email addresses or instant message address  
12 or identifiers used, including any designations or monikers  
13 used for self-identification in Internet communications or  
14 postings.

15           (10) A current photograph.

16           (11) A physical description of the sex offender  
17 including physical appearance, physical characteristics, and  
18 identifying marks such as scars and tattoos.

19           (12) Fingerprints and palm prints.

20           (13) A DNA sample. The DNA sample may be collected  
21 by the probation officer, sheriff, chief of police, or other  
22 responsible agency and shall immediately be forwarded by the  
23 entity collecting the sample to the Department of Forensic  
24 Sciences.

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

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

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

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

10          (18) Any other information deemed necessary by the  
11 Director of the Department of Public Safety.

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

17               (1) A current photograph.

18               (2) Fingerprints or palm prints.

19               (3) A DNA sample.

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

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

24          (c) The registration information shall be  
25 transmitted to the Department of Public Safety in a manner  
26 determined by the director of the department.

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

9 (e) All required registration information shall be  
10 stored electronically in a manner determined by the Director  
11 of the Department of Public Safety and shall be available in a  
12 digitized format by the Department of Public Safety to anyone  
13 entitled to receive the information as provided in Section 43.

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

17 Section 8. (a) All of the following registration  
18 information shall be provided on the public registry website  
19 maintained by the Department of Public Safety and may be  
20 provided on any community notification documents:

21 (1) Name, including any aliases, nicknames, ethnic,  
22 or Tribal names.

23 (2) Address of each residence.

24 (3) Address of any school the sex offender attends  
25 or will attend. For purposes of this subdivision, a school  
26 includes an educational institution, public or private,

1 including a secondary school, a trade or professional school,  
2 or an institution of higher education.

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

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

9 (6) A current photograph.

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

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

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

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

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

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

23 (2) Social Security number.

24 (3) Travel and immigration document numbers.

25 (4) Victim identity.

26 (5) Internet identifiers.

1 (c) Any other required registration information may  
2 be included on the website as determined by the Director of  
3 the Department of Public Safety.

4 (d) All information shall immediately be posted on  
5 the public registry website upon receipt of the information by  
6 the Department of Public Safety.

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

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

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

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

21 Section 9. (a) At least 30 days prior to release, or  
22 immediately upon notice of release if release is less than 30  
23 days, of an adult sex offender from the county jail, municipal  
24 jail, Department of Corrections, or any other facility that  
25 has incarcerated the adult sex offender, or immediately upon  
26 conviction, if the adult sex offender is not incarcerated, the  
27 responsible agency shall:



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

10           (2) If the adult sex offender declares his or her  
11 intent to reside within this state, the responsible agency  
12 shall immediately notify and provide the required registration  
13 information to the Department of Public Safety, the Attorney  
14 General, the district attorney in the county of conviction,  
15 and local law enforcement where the adult sex offender intends  
16 to reside. The notification shall also include any other  
17 information available to the responsible agency which would be  
18 necessary to identify and trace the adult sex offender,  
19 including, but not limited to, each sex offense history or a  
20 copy of the pre-sentence investigation of the sex offense and  
21 the release date of the adult sex offender.

22           (3) If the adult sex offender declares his or her  
23 intent to reside outside of the state, the responsible agency  
24 shall immediately notify and provide the required registration  
25 information to the Department of Public Safety, the Attorney  
26 General, the district attorney in the county of conviction,  
27 and the designated state law enforcement agency of the state

1 to which the adult sex offender has declared his or her intent  
2 to reside. The notification shall also include any other  
3 information available to the responsible agency which would be  
4 necessary to identify and trace the adult sex offender,  
5 including, but not limited to, each sex offense history or a  
6 copy of the pre-sentence investigation of the sex offense and  
7 the release date of the sex offender.

8 (4) If an adult sex offender is not able to provide  
9 a residence prior to the time of release, then the responsible  
10 agency shall notify the sheriff of the county where the last  
11 conviction for a sex offense or violation of this act took  
12 place at least five days prior to the release of the adult sex  
13 offender. Upon notice of the release date from the responsible  
14 agency, the sheriff of the county of the last conviction for a  
15 sex offense or a violation of this act shall make arrangements  
16 to have the adult sex offender immediately remanded to his or  
17 her custody to register in accordance with Section 10 at the  
18 time of release.

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

23 a. If the adult sex offender has not accumulated any  
24 incentive time pursuant to Section 14-9-41 of the Code of  
25 Alabama 1975, or any other law, he or she shall be charged  
26 with violating this section. At least five days prior to his  
27 or her release date, the Department of Corrections shall

1        notify the sheriff in the county where the last conviction for  
2        a sex offense or violation of this act took place, which  
3        county shall be the proper venue for arrest and prosecution of  
4        violation of this section. Upon notice of the release date,  
5        the sheriff from the county of the last conviction for a sex  
6        offense or violation of this act shall make arrangements to  
7        have the adult sex offender immediately remanded to his or her  
8        custody at the time of release. Any adult sex offender charged  
9        with violating this section may only be released on bond on  
10       the condition that the adult sex offender is in compliance  
11       with this section before being released.

12                b. If the adult sex offender has accumulated  
13        correctional incentive time pursuant to Section 14-9-41 of the  
14        Code of Alabama 1975, or any other law, the adult sex offender  
15        shall be charged with non-compliance with this section and  
16        shall not be allowed early release, but instead shall forfeit  
17        all correctional incentive time that has accrued pursuant to  
18        Section 14-9-41, or other good time allowed by law.

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

22                Section 10. (a) (1) Immediately upon release from  
23        incarceration, or immediately upon conviction if the adult sex  
24        offender is not incarcerated, the adult sex offender shall  
25        appear in person and register all required registration  
26        information with local law enforcement in each county in which  
27        the adult sex offender resides or intends to reside, accepts

1 or intends to accept employment, and begins or intends to  
2 begin school attendance.

3 (2) An adult sex offender who registers pursuant to  
4 subdivision (1) shall have 7 days from release to comply with  
5 the residence restrictions pursuant to subsection (a) of  
6 Section 11.

7 (b) Immediately upon establishing a new residence,  
8 accepting employment, or beginning school attendance, the  
9 adult sex offender shall appear in person to register with  
10 local law enforcement in each county in which the adult sex  
11 offender establishes a residence, accepts employment, or  
12 begins school attendance.

13 (c) (1) Immediately upon transferring or terminating  
14 any residence, employment, or school attendance, the adult sex  
15 offender shall appear in person to notify local law  
16 enforcement in each county in which the adult sex offender is  
17 transferring or terminating residence, employment, or school  
18 attendance.

19 (2) Whenever a sex offender transfers his or her  
20 residence, as provided in subdivision (1) from one county to  
21 another county, the sheriff of the county from which the sex  
22 offender is transferring his or her residence shall  
23 immediately notify local law enforcement in the county in  
24 which the sex offender intends to reside. If a sex offender  
25 transfers his or her residence, as provided in subdivision (1)  
26 from one county to another jurisdiction, the sheriff of the  
27 county from which the sex offender is transferring his or her

1 residence shall immediately notify the chief law enforcement  
2 agency in the jurisdiction in which the sex offender intends  
3 to reside.

4 (d) Immediately upon any name change, the adult sex  
5 offender shall immediately appear in person to update the  
6 information with local law enforcement in each county in which  
7 the adult sex offender is required to register.

8 (e) Upon changing any required registration  
9 information the adult sex offender shall immediately appear in  
10 person and update the information with local law enforcement  
11 in each county in which the adult sex offender resides.

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

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

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

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

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

11          Section 11. (a) No adult sex offender shall  
12          establish a residence, maintain a residence after release or  
13          conviction, or establish any other living accommodation within  
14          2,000 feet of the property on which any school or childcare  
15          facility is located unless otherwise exempted pursuant to  
16          Sections 23 and 24.

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

23          (c) Changes to property within 2,000 feet of a  
24          registered address of an adult sex offender which occur after  
25          the adult sex offender establishes residency shall not form  
26          the basis for finding that the adult sex offender is in  
27          violation of this section.

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

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

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

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

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

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

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

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

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

10          (3) Whenever an adult sex offender spends 10 or more  
11 aggregate days at a location during a calendar month.

12          (4) Whenever an adult sex offender vacates or fails  
13 to spend three or more consecutive days at his or her  
14 residence without previously notifying local law enforcement  
15 pursuant to Section 15.

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

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

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



1           Section 12. (a) An adult sex offender who no longer  
2 has a fixed residence shall be considered homeless and shall  
3 appear in person and report such change in fixed residence to  
4 local law enforcement where he or she is located immediately  
5 upon such change in fixed residence.

6           (b) In addition to complying with the registration  
7 and verification requirements pursuant to Section 10, a  
8 homeless adult sex offender who lacks a fixed residence, or  
9 who does not provide an address at a fixed residence at the  
10 time of release or registration, shall report in person once  
11 every seven days to local law enforcement where he or she  
12 resides. The weekly report shall be on a day specified by  
13 local law enforcement and shall occur during normal business  
14 hours.

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

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

- 21           a. Name.
- 22           b. Date of birth.
- 23           c. Social Security number.
- 24           d. A detailed description of the location or  
25 locations where he or she has resided during the week.

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

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

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

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

17       Section 13. (a) No adult sex offender shall apply  
18       for, accept, or maintain employment or vocation or volunteer  
19       at any school, childcare facility, mobile vending business  
20       that provides services primarily to children, or any other  
21       business or organization that provides services primarily to  
22       children.

23          (b) No adult sex offender shall apply for, accept,  
24       or maintain employment or volunteer for any employment or  
25       vocation within 2,000 feet of the property on which a school  
26       or childcare facility is located unless otherwise exempted  
27       pursuant to Sections 24 and 25.

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

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

13 (e) It shall be unlawful for the owner or operator  
14 of any childcare facility or any other organization that  
15 provides services primarily to children to knowingly employ or  
16 accept volunteer services from an adult sex offender.

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

20 (g) Any person who violates this section shall be  
21 guilty of a Class C felony.

22 Section 14. (a) Any adult sex offender who enters  
23 this state and establishes a residence shall immediately  
24 appear in person and register all required registration  
25 information with local law enforcement in the county of  
26 residence.

1           (b) Any adult sex offender who enters this state to  
2 accept employment, carry on a vocation, or to become a student  
3 and who has not established a residence in this state shall  
4 immediately appear in person and register all required  
5 registration information with local law enforcement in the  
6 county where the adult sex offender accepts employment,  
7 carries on a vocation, or becomes a student.

8           (c) Whenever an adult sex offender registers  
9 pursuant to this section, he or she shall be subject to the  
10 requirements of this act.

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

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

19           Section 15. (a) If an adult sex offender intends to  
20 temporarily be away from his or her county of residence for a  
21 period of three or more consecutive days, the adult sex  
22 offender shall report such information in person immediately  
23 prior to leaving his or her county of residence for such  
24 travel to local law enforcement in each county of residence.

25           (b) The adult sex offender shall complete a travel  
26 permit form immediately prior to travel and provide the dates  
27 of travel and temporary lodging information.

1           (c) If the adult sex offender intends to travel to  
2 another country, he or she shall report in person to local law  
3 enforcement in each county of residence at least 21 days prior  
4 to such travel. Any information reported to local law  
5 enforcement in each county of residence shall immediately be  
6 reported to the United States Marshals Service and the  
7 Department of Public Safety.

8           (d) The travel permit shall explain the duties of  
9 the adult sex offender regarding travel. The adult sex  
10 offender shall sign the travel permit stating that he or she  
11 understands the duties required of him or her. If the adult  
12 sex offender refuses to sign the travel permit form, the  
13 travel permit shall be denied.

14           (e) The sheriff in each county of residence shall  
15 immediately notify local law enforcement in the county or the  
16 jurisdiction to which the adult sex offender will be  
17 traveling.

18           (f) Upon return to the county of residence, the  
19 adult sex offender shall immediately report to local law  
20 enforcement in each county of residence.

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

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

25           Section 16. (a) No adult sex offender shall contact,  
26 directly or indirectly, in person or through others, by phone,  
27 mail, or electronic means, any former victim. No sex offender

1 shall make any harassing communication, directly or  
2 indirectly, in person or through others, by phone, mail, or  
3 electronic means to any immediate family member of the victim.

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

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

8 Section 17. (a) No adult sex offender, after having  
9 been convicted of a sex offense involving a minor, shall  
10 loiter on or within 500 feet of the property line of any  
11 property on which there is a school, childcare facility,  
12 playground, park, athletic field or facility, school bus stop,  
13 college or university, or any other business or facility  
14 having a principal purpose of caring for, educating, or  
15 entertaining minors.

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

1 bus stop, a coach, if the premises is an athletic field or  
2 facility, or any person designated with that authority.

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

8 (d) Any person who violates this section shall be  
9 guilty of a Class C felony.

10 Section 18. (a) Every adult sex offender who is a  
11 resident of this state shall obtain, and always have in his or  
12 her possession, a valid driver license or identification card  
13 issued by the Department of Public Safety. If any adult sex  
14 offender is ineligible to be issued a driver license or  
15 official identification card, the Department of Public Safety  
16 shall provide the adult sex offender some other form of  
17 identification card or documentation that, if it is kept in  
18 the possession of the adult sex offender, shall satisfy the  
19 requirements of this section. If any adult sex offender is  
20 determined to be indigent, an identification card, or other  
21 form of identification or documentation that satisfies the  
22 requirements of this section, shall be issued to the adult sex  
23 offender at no cost. Indigence shall be determined by order of  
24 the court prior to each issuance of a driver license or  
25 identification card.

26 (b) The adult sex offender shall immediately obtain  
27 a valid driver license or identification card upon his or her

1 initial registration following release, initial registration  
2 upon entering the state to become a resident, or immediately  
3 following his or her next registration after July 1, 2011.

4 (c) Whenever the Department of Public Safety issues  
5 or renews a driver license or identification card to an adult  
6 sex offender, the driver license or identification card shall  
7 bear a designation that enables law enforcement officers to  
8 identify the licensee as a sex offender.

9 (d) Upon obtaining or renewing a driver license or  
10 identification card bearing a designation that enables law  
11 enforcement officers to identify the licensee as a sex  
12 offender, the adult sex offender shall relinquish to the  
13 Department of Public Safety any other driver license or  
14 identification card previously issued to him or her which does  
15 not bear any designation enabling law enforcement officers to  
16 identify the licensee as a sex offender.

17 (e) No adult sex offender shall mutilate, mar,  
18 change, reproduce, alter, deface, disfigure, or otherwise  
19 change the form of any driver license or identification card  
20 which is issued to the adult sex offender and which bears any  
21 designation enabling law enforcement officers to identify the  
22 licensee as a sex offender. An adult sex offender having in  
23 his or her possession a driver license or identification card  
24 issued to him or her by the Department of Public Safety  
25 bearing any designation enabling law enforcement officers to  
26 identify the licensee as a sex offender which has been  
27 mutilated, marred, changed, reproduced, altered, defaced,



1       disfigured, or otherwise changed shall be prima facie evidence  
2       that he or she has violated this section.

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

5               Section 19. (a) The state, upon conviction and prior  
6       to sentencing, may petition the sentencing court to enter an  
7       order declaring a person convicted in this state of a sexually  
8       violent or predatory offense as a sexually violent predator.

9               (b) At sentencing, a court may declare a person to  
10       be a sexually violent predator. For the purposes of this  
11       section, a person is a sexually violent predator if either of  
12       the following applies:

13               (1) The person is a repeat sexually violent  
14       offender.

15               (2) The person commits a sexually violent offense  
16       and is likely to engage in one or more sexually violent  
17       offenses in the future.

18               (c) A person is a repeat sexually violent offender  
19       for the purposes of this section if the person is convicted of  
20       more than one sexually violent offense.

21               (d) For the purposes of this section, a sexually  
22       violent offense is any of the following:

23               (1) A sex offense committed by forcible compulsion,  
24       violence, duress, menace, fear of immediate bodily injury to  
25       the victim or another person, or threatening to retaliate in  
26       the future against the victim or any other person.

27               (2) A sex offense involving a child.

1           (3) Any sex offense involving the enticement or  
2 solicitation of a minor for sexual purposes.

3           (4) Any sex offense that is predatory in nature.

4           (5) Any solicitation, attempt, or conspiracy to  
5 commit any of the offenses listed in subdivisions (1) to (4).

6           (6) Any other offense for which the court makes a  
7 specific finding on the record that, based on the  
8 circumstances of the case, the person's offense should be  
9 considered a sexually violent offense.

10           (e) Any of the following factors may be considered  
11 as evidence tending to indicate that there is a likelihood  
12 that the person will engage in the future in one or more  
13 sexually violent offenses:

14           (1) The person has been convicted two or more times,  
15 in separate criminal actions, of a sexually violent offense.  
16 For purposes of this subdivision, convictions that result from  
17 or are connected with the same act or result from offenses  
18 committed at the same time are one conviction.

19           (2) The person has been convicted of a sexually  
20 violent offense involving two or more victims regardless of  
21 when the acts or convictions occurred.

22           (3) Available information or evidence suggests that  
23 the person chronically commits offenses with a sexual  
24 motivation.

25           (4) The person has committed one or more offenses in  
26 which the person has tortured or engaged in ritualistic acts  
27 with one or more victims.

1           (5) The person has committed one or more sex  
2 offenses in which one or more victims were physically harmed  
3 to the degree that the particular victim's life was in  
4 jeopardy.

5           (6) Any other evidence deemed relevant by the court.

6           (f) If the state so petitions, it shall present  
7 clear and convincing evidence that the sex offender is likely  
8 to engage in one or more future sexually violent offenses or  
9 is likely to engage in future predatory sex offenses.

10          (g) Any sex offender determined in any other state  
11 to be a sexually violent predator shall be considered a  
12 sexually violent predator in this state.

13          (h) A sexually violent predator, as a condition of  
14 the sex offender's release from incarceration, shall be  
15 subject to electronic monitoring and be required to pay the  
16 costs of such monitoring, as set forth in Section 20, for a  
17 period of no less than 10 years from the date of the sexually  
18 violent predator's release. This requirement shall be imposed  
19 by the sentencing court as a part of the sexually violent  
20 predator's sentence, as provided in subsection (c) of Section  
21 13A-5-6, Code of Alabama 1975, and Section 20.

22          Section 20. (a) The Alabama Criminal Justice  
23 Information Center shall implement a system of active and  
24 passive electronic monitoring that identifies the location of  
25 a monitored person and that can produce upon request reports  
26 or records of the person's presence near or within a crime  
27 scene or prohibited area, the person's departure from

1 specified geographic limitations, or curfew violations by the  
2 offender. The Director of the Criminal Justice Information  
3 Center may promulgate any rules as are necessary to implement  
4 and administer this system of active electronic monitoring  
5 including establishing policies and procedures to notify the  
6 person's probation and parole officer or other court-appointed  
7 supervising authority when a violation of his or her  
8 electronic monitoring restrictions has occurred.

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

16 (c) Any person designated a sexually violent  
17 predator pursuant to Section 19, upon release from  
18 incarceration, shall be subject to electronic monitoring  
19 supervised by the Board of Pardons and Paroles, as provided in  
20 subsection (a), for a period of no less than 10 years from the  
21 date of the sexually violent predator's release. This  
22 requirement shall be imposed by the sentencing court as a part  
23 of the sentence of the sexually violent predator in accordance  
24 with subsection (c) of Section 13A-5-6, Code of Alabama 1975.

25 (d) Any person convicted of a Class A felony sex  
26 offense involving a child as defined in Section 4, upon  
27 release from incarceration, shall be subject to electronic

1 monitoring supervised by the Board of Pardons and Paroles, as  
2 provided in subsection (a), for a period of no less than 10  
3 years from the date of the sex offender's release. This  
4 requirement shall be imposed by the sentencing court as a part  
5 of the sex offender's sentence in accordance with subsection  
6 (c) of Section 13A-5-6, Code of Alabama 1975.

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

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

19 (g) It shall constitute a Class C felony for any  
20 person to alter, disable, deactivate, tamper with, remove,  
21 damage, or destroy any device used to facilitate electronic  
22 monitoring under this section.

23 (h) The procurement of any product or services  
24 necessary for compliance with Act 2005-301, including any  
25 system of electronic monitoring, any equipment, and the  
26 building of a website, shall be subject to the competitive bid  
27 process.

1           Section 21. (a) Immediately upon the release of an  
2 adult sex offender or immediately upon notice of where the  
3 adult sex offender plans to establish, or has established a  
4 residence, the following procedures shall apply:

5           (1) In the Cities of Birmingham, Mobile, Huntsville,  
6 and Montgomery, the chief of police shall notify all persons  
7 who have a legal residence within 1,000 feet of the declared  
8 residence of the adult sex offender and all schools and  
9 childcare facilities within three miles of the declared  
10 residence of the adult sex offender that the adult sex  
11 offender will be establishing or has established his or her  
12 residence.

13           (2) In all other cities in Alabama with a resident  
14 population of 5,000 or more, the chief of police, or if none,  
15 then the sheriff of the county, shall notify all persons who  
16 have a legal residence within 1,500 feet of the declared  
17 residence of the adult sex offender and all schools and  
18 childcare facilities within three miles of the declared  
19 residence of the adult sex offender that the adult sex  
20 offender will be establishing or has established his or her  
21 residence.

22           (3) In all other municipalities with a resident  
23 population of less than 5,000, and in all unincorporated  
24 areas, the sheriff of the county in which the adult sex  
25 offender intends to reside shall notify all persons who have a  
26 legal residence within 2,000 feet of the declared residence of  
27 the adult sex offender and all schools and childcare

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

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

15 (c) Nothing in this act shall be construed as  
16 prohibiting the Director of the Department of Public Safety, a  
17 sheriff, or a chief of police from providing community  
18 notification under the provisions of this act by regular mail,  
19 electronically, or by publication or periodically to persons  
20 whose legal residence is within the guidelines of this act or  
21 more than the applicable distance from the residence of an  
22 adult sex offender.

23 Section 22. (a) An adult sex offender shall pay a  
24 registration fee in the amount of ten dollars (\$10) to each  
25 registering agency where the adult sex offender resides  
26 beginning with the first quarterly registration on or after  
27 July 1, 2011, and at each quarterly registration thereafter.

1           (b) Each time an adult sex offender terminates his  
2           or her residence and establishes a new residence, he or she  
3           shall pay a registration fee in the amount of ten dollars  
4           (\$10) to each registering agency where the adult sex offender  
5           establishes a new residence.

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

20          (d) The fees collected under this section shall be  
21          appropriated to the registering agency to defray the costs of  
22          sex offender registration, verification, and notification.

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



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

3 Section 23. (a) A sex offender required to register  
4 under this act may petition the court for relief from the  
5 residency restriction pursuant to subsection (a) of Section 11  
6 during the time a sex offender is terminally ill or  
7 permanently immobile.

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

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

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

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

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

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

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

25 (1) A certified copy of the adjudication or  
26 conviction requiring registration, including a detailed  
27 description of the sex offense.

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

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

7           (4) Notarized documentation of the sex offender's  
8 condition by his or her medical provider.

9           (5) A release allowing the prosecuting attorney or  
10 the court to obtain any other medical records or documentation  
11 relevant to the petition.

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

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

19           (f) The court shall hold a hearing within 30 days of  
20 the filing of the petition. Upon request of the prosecuting  
21 attorney, and for good cause shown, the hearing may be  
22 continued to allow the prosecuting attorney to obtain any  
23 relevant records pertinent to the hearing. At the hearing the  
24 prosecuting attorney and the victim shall have the opportunity  
25 to be heard.

26           (g) The court may issue an order releasing the sex  
27 offender from any of the residency restrictions pursuant to

1 subsection (a) of Section 11 if the court finds by clear and  
2 convincing evidence that the sex offender does not pose a  
3 substantial risk of perpetrating any future dangerous sexual  
4 offense or that the sex offender is not likely to reoffend.  
5 The court may relieve a sex offender from any residency  
6 restrictions indefinitely or for a specific period of time.

7 (h) The court shall send a copy of any order  
8 releasing a sex offender from any residency restrictions  
9 pursuant to subsection (a) of Section 11 to the prosecuting  
10 attorney and the Department of Public Safety.

11 (i) If the court finds that the sex offender still  
12 poses a risk, has provided false or misleading information in  
13 support of the petition, or failed to serve the petition and  
14 supporting documentation upon the parties as provided for in  
15 subsection (c), then the petition shall be denied.

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

21 (k) If at any time the sex offender is no longer  
22 terminally ill or permanently immobile, the sex offender shall  
23 immediately register in person with local law enforcement in  
24 each county of residence and update all required registration  
25 information.

26 (l) No sex offender petitioning the court under this  
27 section for an order terminating the sex offender's obligation

1 to comply with the residency restrictions is entitled to  
2 court-appointed counsel, publicly funded experts, or publicly  
3 funded witnesses.

4 (m) The state may petition the court to reinstate  
5 the restrictions pursuant to subsection (a) of Section 11 for  
6 good cause shown.

7 (n) Notwithstanding any state or local rule  
8 assigning costs and fees for filing and processing civil and  
9 criminal cases, a petition filed 30 or more days after  
10 sentencing shall be assessed a filing fee in the amount of two  
11 hundred dollars (\$200) to be distributed as provided in  
12 Section 47.

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

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

19 Section 24. (a) At disposition, sentencing, upon  
20 completion of probation, or upon completion of a term of  
21 registration ordered by the sentencing court, a sex offender  
22 may petition the sentencing court for relief from registration  
23 and notification resulting from any of the following offenses,  
24 provided that he or she meets the requirements set forth in  
25 subsection (b):

1           (1) Rape in the second degree, as provided by  
2           subdivision (1) of subsection (a) of Section 13A-6-62, Code of  
3           Alabama 1975.

4           (2) Sodomy in the second degree, as provided by  
5           subdivision (1) of subsection (a) of Section 13A-6-64, Code of  
6           Alabama 1975.

7           (3) Sexual abuse in the second degree, as provided  
8           by subdivision (2) of subsection (a) of Section 13A-6-67, Code  
9           of Alabama 1975.

10          (4) Sexual misconduct, as provided by Section  
11          13A-6-65, Code of Alabama 1975.

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

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

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

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

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

25               (3) At the time of the commission of the sex  
26               offense, the sex offender was not more than four years older  
27               than the victim.

1 (c) The petition for relief shall be filed as  
2 follows:

3 (1) If the sex offender was adjudicated or convicted  
4 in this state, the petition for relief shall be filed in the  
5 circuit court of the county in which the sex offender was  
6 adjudicated or convicted.

7 (2) If the sex offender was adjudicated or convicted  
8 in a jurisdiction outside of this state, the petition for  
9 relief shall be filed in the circuit court of the county in  
10 which the sex offender resides.

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

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

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

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

21 d. Local law enforcement where the adult sex  
22 offender resides.

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

26 (e) The petition and documentation to support the  
27 request for relief shall include all of the following:

1           (1) The offense that the sex offender was initially  
2 charged with and the offense that the sex offender was  
3 adjudicated or convicted of, if different.

4           (2) A certified copy of the adjudication or  
5 conviction requiring registration including a detailed  
6 description of the sex offense, if the petition is filed upon  
7 completion of probation or a term of registration.

8           (3) Proof of the age of the victim and the age of  
9 the sex offender at the time of the commission of the sex  
10 offense.

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

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

18           (6) Any other information requested by the court  
19 relevant to the request for relief.

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

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

1           (h) In determining whether to grant relief, the  
2 court may consider any of the following:

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

7           (2) Recommendations from the prosecuting attorney.

8           (3) Any written or oral testimony submitted by the  
9 victim or the parent, guardian, or custodian of the victim.

10          (4) The facts and circumstances surrounding the  
11 offense.

12          (5) The relationship of the parties.

13          (6) The criminal history of the sex offender.

14          (7) The protection of society.

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

17          (i) The court may grant full or partial relief from  
18 this act. If the court grants relief, the court shall enter an  
19 order detailing the relief granted and provide a copy of the  
20 order to the prosecuting attorney and the Department of Public  
21 Safety.

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

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



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

3 (l) If a sex offender was adjudicated or convicted  
4 of any of the offenses specified in subsection (a) prior to  
5 July 1, 2011, and meets the eligibility requirements specified  
6 in subsection (b), the sex offender may petition the court for  
7 relief pursuant to this section.

8 (m) Notwithstanding any state or local law or rule  
9 assigning costs and fees for filing and processing civil and  
10 criminal cases, a petition filed 30 or more days after  
11 sentencing shall be assessed a filing fee in the amount of two  
12 hundred dollars (\$200) to be distributed as provided in  
13 Section 47.

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

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

20 Section 25. (a) A sex offender may petition the  
21 circuit court in the county where the sex offender seeks to  
22 accept or maintain employment for relief from the employment  
23 restrictions pursuant to subsection (b) of Section 13. A sex  
24 offender adjudicated or convicted of any of the following sex  
25 offenses shall not be entitled to relief under this section:

26 (1) Rape in the first degree, as provided by Section  
27 13A-6-61, Code of Alabama 1975.

1           (2) Sodomy in the first degree, as provided by  
2           Section 13A-6-63, Code of Alabama 1975.

3           (3) Sexual abuse in the first degree, as provided by  
4           Section 13A-6-66, Code of Alabama 1975.

5           (4) Sex abuse of a child less than 12 years old, as  
6           provided by Section 13A-6-69.1, Code of Alabama 1975.

7           (5) Sexual torture, as provided by Section  
8           13A-6-65.1, Code of Alabama 1975.

9           (6) Any sex offense involving a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (f) The court may consider any of the following  
5 factors in determining whether to grant relief:

6 (1) The nature of the offense.

7 (2) Past criminal history of the sex offender.

8 (3) The location where the sex offender is employed  
9 or intends to obtain employment.

10 (4) Any other information deemed relevant by the  
11 court.

12 (g) If the court grants the petition, the court  
13 shall enter an order detailing the relief granted and provide  
14 a copy of the order to the prosecuting attorney where the  
15 petition was filed and to the Department of Public Safety.

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

21 (i) The state may petition the court to reinstate  
22 the restrictions pursuant to subsection (b) of Section 13 for  
23 good cause shown.

24 (j) Notwithstanding any state or local law or rule  
25 assigning costs and fees for filing and processing civil and  
26 criminal cases, a petition filed 30 or more days after  
27 sentencing shall be assessed a filing fee in the amount of two

1       hundred dollars (\$200) to be distributed as provided in  
2       Section 47.

3               (k) If a sex offender seeks relief from the court  
4       pursuant to this section, the enforcement of this act shall  
5       not be stayed pending a ruling of the court.

6               (1) A person who provides false or misleading  
7       information pursuant to this section shall be guilty of a  
8       Class C felony.

9               Section 26. (a) Upon adjudication of delinquency for  
10      a sex offense, a juvenile sex offender shall be required to  
11      receive sex offender treatment by a licensed sex offender  
12      treatment program.

13              (b) Upon completion of sex offender treatment, the  
14      juvenile sex offender shall be required to undergo a sex  
15      offender risk assessment. The treatment provider shall provide  
16      a copy of the risk assessment to the sentencing court, the  
17      prosecuting attorney, and the juvenile probation officer not  
18      less than 60 days prior to the projected release of the  
19      juvenile sex offender.

20              (c) Upon receiving the risk assessment, the juvenile  
21      probation officer shall immediately notify the attorney for  
22      the juvenile sex offender and either the parent, guardian, or  
23      custodian of the juvenile sex offender of the pending release  
24      of the juvenile sex offender and provide them with a copy of  
25      the risk assessment.

26              (d) Within 60 days of receiving the risk assessment,  
27      the court shall conduct a hearing to determine the risk of the

1 juvenile sex offender to the community and the level of  
2 notification that shall apply.

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

10 Section 27. (a) In determining whether to apply  
11 notification requirements to a juvenile sex offender, the  
12 sentencing court shall consider any of the following factors  
13 relevant to the risk of re-offense:

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

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

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

1                   (4) Whether psychological or psychiatric profiles  
2 indicate a risk of recidivism.

3                   (5) The relationship between the juvenile sex  
4 offender and the victim.

5                   (6) The particular facts and circumstances  
6 surrounding the offense.

7                   (7) The level of planning and participation in the  
8 offense.

9                   (8) Whether the offense involved the use of a  
10 weapon, violence, or infliction of serious bodily injury.

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

12                   (10) The response to treatment of the juvenile sex  
13 offender.

14                   (11) Recent behavior, including behavior while  
15 confined or while under supervision in the community.

16                   (12) Recent threats against persons or expressions  
17 of intent to commit additional crimes.

18                   (13) The protection of society.

19                   (14) Any other factors deemed relevant by the court.

20                   (b) If the sentencing court determines that the  
21 juvenile sex offender shall be subject to notification, the  
22 level of notification shall be applied as follows:

23                   (1) If the risk of re-offense is low, notification  
24 that the juvenile sex offender will be establishing or has  
25 established his or her residence shall be provided by local  
26 law enforcement to the principal of the school where the  
27 juvenile sex offender will attend after release. This

1 notification shall include the name, actual living address,  
2 date of birth of the juvenile sex offender, and a statement of  
3 the sex offense for which he or she has been adjudicated  
4 delinquent, including the age and gender of the victim. This  
5 information shall be considered confidential by the school and  
6 be shared only with the teachers and staff with supervision  
7 over the juvenile sex offender. Whomever, except as  
8 specifically provided herein, directly or indirectly discloses  
9 or makes use of or knowingly permits the use of information  
10 concerning a juvenile sex offender described in this section,  
11 upon conviction thereof, shall be guilty of a Class A  
12 misdemeanor within the jurisdiction of the juvenile court.

13 (2) If the risk of re-offense is moderate,  
14 notification that the juvenile sex offender will be  
15 establishing, or has established, his or her residence shall  
16 be provided by local law enforcement to all schools and  
17 childcare facilities within three miles of the declared  
18 residence of the juvenile sex offender. A community  
19 notification flyer shall be mailed by regular mail or hand  
20 delivered to all schools or childcare facilities as required  
21 by this subsection. No other method may be used to disseminate  
22 this information.

23 (3) If the risk of re-offense is high, the public  
24 shall receive notification as though the juvenile sex offender  
25 were an adult sex offender in accordance with Section 21.

26 (c) The sentencing court shall enter an order  
27 stating whether the juvenile sex offender shall be subject to



1 notification and the level of notification that shall be  
2 applied. The court shall provide a copy of the order to the  
3 prosecuting attorney and to the Department of Public Safety.

4 (d) The determination of notification by the  
5 sentencing court shall not be subject to appeal.

6 Section 28. (a) A juvenile adjudicated delinquent of  
7 any of the following sex offenses, who was 14 or older at the  
8 time of the offense, shall be subject to registration and  
9 notification, if applicable, for life:

10 (1) Rape in the first degree, as provided by Section  
11 13A-6-61, Code of Alabama 1975.

12 (2) Sodomy in the first degree, as provided by  
13 Section 13A-6-63, Code of Alabama 1975.

14 (3) Sexual abuse in the first degree, as provided by  
15 Section 13A-6-66, Code of Alabama 1975.

16 (4) Sexual torture, as provided by Section  
17 13A-6-65.1, Code of Alabama 1975.

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

22 (6) Any offense, committed in this state or any  
23 other jurisdiction, comparable to or more severe than  
24 aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or  
25 (b).

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

1           (b) A juvenile sex offender subject to lifetime  
2 registration may petition the court for relief from  
3 registration and notification, if notification was ordered, 25  
4 years after the juvenile sex offender is released from the  
5 offense subjecting the juvenile sex offender to registration  
6 in accordance with this act, pursuant to Section 35.

7           (c) A juvenile sex offender who has been adjudicated  
8 delinquent of any sex offense, excluding those listed in  
9 subsection (a) of this section, shall be subject to this act  
10 for a period of 10 years from the last date of release from  
11 the offense subjecting the juvenile sex offender to  
12 registration in accordance with this act.

13           (d) If a juvenile sex offender required to register  
14 under this act is civilly committed, hospitalized, or  
15 re-incarcerated for another offense or, as the result of  
16 having violated the terms of probation, parole, or aftercare,  
17 fails to register or fails to comply with the requirements of  
18 this act, the registration requirements and the remaining  
19 period of time for which the juvenile sex offender shall  
20 register shall be tolled during the period of commitment,  
21 hospitalization, re-incarceration, or noncompliance.

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

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

5           Section 29. (a) Immediately prior to the release of  
6 a juvenile sex offender, the following shall apply:

7           (1) The responsible agency shall require the  
8 juvenile sex offender and the parent, custodian, or guardian  
9 of the juvenile sex offender to provide the required  
10 registration information.

11           (2) If the parent, guardian, or custodian of the  
12 juvenile sex offender declares a residence outside of the  
13 state, the responsible agency shall immediately notify the  
14 Department of Public Safety and the designated state law  
15 enforcement agency of the state to which the parent, guardian,  
16 or custodian of the juvenile sex offender has declared the  
17 residence. The notification shall include all information  
18 available to the responsible agency that would be necessary to  
19 identify and trace the juvenile sex offender, including, but  
20 not limited to, the risk assessment and a current photograph  
21 of the juvenile sex offender.

22           (3) If the parent, guardian, or custodian of the  
23 juvenile sex offender declares a residence within this state,  
24 the responsible agency shall immediately notify the Department  
25 of Public Safety, and local law enforcement in each county, in  
26 which the parent, guardian, or custodian of the juvenile sex  
27 offender has declared the residence. The notification shall

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

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

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

13 Section 30. (a) Immediately upon release or  
14 immediately upon adjudication of delinquency if the juvenile  
15 sex offender is not committed, the juvenile sex offender and  
16 the parent, custodian, or guardian shall register all required  
17 registration information with local law enforcement in each  
18 county in which the juvenile sex offender resides or intends  
19 to reside.

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

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

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

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

12 (e) A juvenile sex offender required to register for  
13 life pursuant to Section 28 shall appear in person with his or  
14 her parent, custodian, or guardian to verify all required  
15 registration information during the birth month of the  
16 juvenile sex offender and every three months thereafter with  
17 the local law enforcement in each county of residence unless  
18 the juvenile sex offender has been relieved from registration  
19 requirements pursuant to Section 35.

20 (f) A juvenile sex offender required to register for  
21 10 years pursuant to Section 28 shall appear in person with  
22 his or her parent, custodian, or guardian to verify all  
23 required registration information during the birth month of  
24 the juvenile sex offender and every year thereafter with local  
25 law enforcement in each county of residence unless the  
26 juvenile sex offender has been relieved from registration  
27 requirements pursuant to Section 24.

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

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

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

17           Section 31. (a) No juvenile sex offender shall  
18 maintain or establish a residence or living accommodation with  
19 his or her victim.

20           (b) A parent, guardian, or custodian who allows a  
21 juvenile sex offender to maintain or establish a living  
22 accommodation with his or her victim shall be guilty of  
23 violating this section.

24           (c) For the purposes of this section, a living  
25 accommodation includes, but is not limited to, any overnight  
26 visit with the victim.

1 (d) A juvenile sex offender may petition the court  
2 for relief from this section if sex offender treatment has  
3 been successfully completed and a recommendation for  
4 reunification has been made by the sex offender treatment  
5 provider.

6 (e) The petition shall be filed as follows:

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

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

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

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

20 b. The prosecuting attorney of the county where the  
21 juvenile sex offender resides.

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

25 d. Local law enforcement where the juvenile sex  
26 offender resides.

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

4           (g) The petition and documentation to support the  
5       petition shall include documentation from the treatment  
6       provider regarding reunification.

7           (h) The court shall hold a hearing prior to ruling  
8       on the petition.

9           (i) At the hearing the prosecuting attorney and the  
10      victim shall have the opportunity to be heard.

11          (j) The court may issue an order granting relief  
12      from the residency restriction pursuant to this section if the  
13      court finds by clear and convincing evidence that the juvenile  
14      sex offender does not pose a substantial risk of perpetrating  
15      any future dangerous sex offense or that the juvenile sex  
16      offender is not likely to reoffend.

17          (k) If the court grants the petition for relief, the  
18      court shall enter an order detailing the relief granted and  
19      provide a copy of the order to the prosecuting attorney of the  
20      jurisdiction where the petition was filed, the Board of  
21      Pardons and Paroles, if the juvenile sex offender is on  
22      probation or parole, and the Department of Public Safety.

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



1 (m) A person who violates this section or provides  
2 false or misleading information pursuant to this section shall  
3 be guilty of a Class C felony.

4 Section 32. (a) During the time a juvenile sex  
5 offender is subject to the registration requirements of this  
6 act, the juvenile sex offender shall not apply for, accept, or  
7 maintain employment or vocation, or volunteer for any  
8 employment or vocation at any school, childcare facility, or  
9 any other organization that provides services primarily to  
10 children.

11 (b) It shall be unlawful for the owner or operator  
12 of any childcare facility or any other organization that  
13 provides services primarily to children to knowingly employ or  
14 accept volunteer services from a juvenile sex offender.

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

17 Section 33. (a) A juvenile sex offender or youthful  
18 offender sex offender, or equivalent thereto, shall  
19 immediately appear in person and register all required  
20 registration information upon establishing a residence in this  
21 state with local law enforcement in each county where the  
22 juvenile sex offender or youthful offender sex offender  
23 resides or intends to reside.

24 (b) Within 30 days of initial registration, the  
25 juvenile sex offender or youthful offender sex offender shall  
26 provide each registering agency with a certified copy of his  
27 or her adjudication; however, a juvenile sex offender or

1 youthful offender sex offender shall be exempt under this  
2 subsection if the court of adjudication seals the records and  
3 refuses to provide a certified copy or the records have been  
4 destroyed by the court.

5 (c) Whenever a juvenile sex offender registers  
6 pursuant to this act, he or she shall be subject to the  
7 requirements of this act as it applies to juvenile sex  
8 offenders in this state.

9 (d) Whenever a youthful offender sex offender, or  
10 equivalent thereto, registers pursuant to this act he or she  
11 shall be subject to the requirements of this act as it applies  
12 to youthful offender sex offenders in this state.

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

15 Section 34. Notwithstanding any other provision of  
16 law, the court records of juvenile sex offenders are to be  
17 retained, either in paper format or electronically, and not to  
18 be destroyed for a period of 75 years from the date of  
19 adjudication.

20 Section 35. (a) A juvenile sex offender subject to  
21 lifetime registration pursuant to Section 28 may file a  
22 petition requesting the court to enter an order relieving the  
23 juvenile sex offender of the requirements pursuant to this act  
24 25 years after the juvenile sex offender is released from the  
25 custody of the Department of Youth Services or sentenced, if  
26 the juvenile sex offender was placed on probation, for the sex  
27 offense requiring registration pursuant to this act.

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

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

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

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

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

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

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

20 d. Local law enforcement where the juvenile sex  
21 offender resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

9           (3) Recommendations from the prosecuting attorney.

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

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

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

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

23          (8) The protection of society.

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

25          (h) If the court is satisfied by clear and  
26 convincing evidence that the juvenile sex offender is

1 rehabilitated and does not pose a threat to the safety of the  
2 public, the court may grant relief.

3 (i) The court shall provide a copy of any order  
4 granting relief to the prosecuting attorney and to the  
5 Department of Public Safety.

6 (j) Upon receipt of a copy of an order granting  
7 relief as provided in this section, the Department of Public  
8 Safety shall remove the juvenile sex offender from the public  
9 registry website. If the registering agencies maintain a local  
10 registry of sex offenders who are registered with their  
11 agencies, the registering agencies shall remove the  
12 registration information of the juvenile sex offender from the  
13 local sex offender public registry, if notification applied.

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

18 (l) Notwithstanding any state or local law or rule  
19 assigning costs and fees for filing and processing civil and  
20 criminal cases, the fee for filing the petition for relief  
21 shall be two hundred dollars (\$200) to be distributed as  
22 provided in Section 47.

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

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

4           Section 36. For the purposes of this act, a youthful  
5 offender sex offender who has not been previously adjudicated  
6 or convicted of a sex offense and who has not yet attained the  
7 age of 18 shall be considered a juvenile sex offender. A  
8 youthful offender sex offender who has been previously  
9 adjudicated or convicted of a sex offense as a juvenile sex  
10 offender, youthful offender sex offender, or adult sex  
11 offender, or who has attained the age of 18 shall be treated  
12 as an adult sex offender convicted of a sex offense. A  
13 youthful offender sex offender who is treated as a juvenile  
14 sex offender for purposes of this act may not be released from  
15 the jurisdiction of the sentencing court until the youthful  
16 offender sex offender has undergone sex offender treatment and  
17 a risk assessment as required by Section 26.

18           Section 37. (a) No sex offender shall change his or  
19 her name unless the change is incident to a change in the  
20 marital status of the sex offender or is necessary to effect  
21 the exercise of the religion of the sex offender. Such a  
22 change shall be immediately reported to local law enforcement  
23 in each county in which the sex offender is required to  
24 register. If the sex offender is subject to the notification  
25 provision of this act, the reporting of a name change under  
26 this section shall invoke notification.

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

3           Section 38. (a) When a county is notified that a sex  
4 offender intends to reside, be employed, or attend school in  
5 its county and the sex offender fails to appear for  
6 registration upon entering that county as required, the  
7 sheriff of the county that received the notice shall  
8 immediately inform the sheriff of the county that provided the  
9 notice that the sex offender failed to appear for registration  
10 as required.

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

16           (c) If no determination can be made as to whether  
17 the sex offender has absconded, the sheriff of the county in  
18 which the sex offender failed to appear for registration shall  
19 immediately notify the Department of Public Safety and the  
20 United States Marshals Service that the sex offender cannot be  
21 located and provide any information available to determine  
22 whether the sex offender absconded to the United States  
23 Marshals Service.

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



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

4           (2) The sheriff of the county in which the sex  
5 offender has absconded shall immediately notify the United  
6 States Marshals Service and the Department of Public Safety.

7           (3) The Department of Public Safety shall  
8 immediately update its public registry website to reflect that  
9 the sex offender has absconded.

10          (4) The Department of Public Safety shall  
11 immediately notify the Criminal Justice Information Center,  
12 who shall immediately notify the National Criminal Information  
13 Center.

14          (5) The Department of Public Safety shall  
15 immediately notify the National Sex Offender Registry to  
16 reflect that the sex offender has absconded and enter the  
17 information into the National Crime Center Wanted Person File.

18          Section 39. (a) If a sex offender escapes from a  
19 state or local correctional facility, juvenile detention  
20 facility, or any other facility that would not permit  
21 unsupervised access to the public, the responsible agency,  
22 within 24 hours, shall notify the Department of Public Safety,  
23 local law enforcement who had jurisdiction at the time of  
24 adjudication or conviction of the sex offense, the sheriff of  
25 the county and each chief of police of every municipality in  
26 the county where the sex offender escaped, and the United  
27 States Marshals Service.

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

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

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

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

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

12           Section 40. (a) A person is guilty of the crime of  
13 harboring, assisting, concealing, or withholding information  
14 about a sex offender if the person has knowledge or reason to  
15 believe that a sex offender is required to register and has  
16 not complied with the registration requirements of this act  
17 and the person assists the sex offender in avoiding a law  
18 enforcement agency that is seeking to find the sex offender to  
19 question the sex offender about, or to arrest the sex offender  
20 for, noncompliance with the requirements of this act if the  
21 person does any of the following:

22           (1) Harbors, attempts to harbor, or assists another  
23 person in harboring or attempting to harbor the sex offender.

24           (2) Allows a sex offender to reside at his or her  
25 residence to avoid registration if the address is not the  
26 address the sex offender listed as his or her residence  
27 address.

1           (3) Warns a sex offender that a law enforcement  
2 agency is attempting to locate the sex offender.

3           (4) Provides the sex offender with money,  
4 transportation, weapon, disguise, or other means of avoiding  
5 discovery or apprehension.

6           (5) Conceals, attempts to conceal, or assists  
7 another in concealing or attempting to conceal the sex  
8 offender.

9           (6) Provides information to a law enforcement agency  
10 regarding a sex offender which the person knows to be false.

11           (b) For the purposes of this section, the term law  
12 enforcement agency includes, but is not limited to, the Board  
13 of Pardons and Paroles.

14           (c) Harboring, assisting, or concealing a sex  
15 offender is a Class C felony.

16           Section 41. (a) It is the intent of the Legislature  
17 that a duplicate of a certified copy of a public record be  
18 admissible and is not dependent on the original custodian of  
19 record to gain admissibility. Further, the Legislature finds  
20 that the certification by the clerk or magistrate and the  
21 certification by the Department of Public Safety assures  
22 reliability and trustworthiness.

23           (b) Every clerk or magistrate of a court, which does  
24 not have a clerk, shall forward a certified copy of a sex  
25 offender's adjudication or conviction to the Department of  
26 Public Safety within 30 days of sentencing of any of the  
27 offenses listed in Section 5.

1           (c) Any state, county, or municipal law enforcement  
2 agency, the Attorney General, or a district attorney may  
3 request a duplicate of the sex offender's adjudication or  
4 conviction from the Department of Public Safety.

5           (d) Upon the request of any of the agencies listed  
6 in subsection (c), the custodian of records, or its designee,  
7 of the Department of Public Safety shall immediately certify  
8 all of the following:

9           (1) That the Department of Public Safety received  
10 the certified copy of the sex offender's conviction or  
11 adjudication from the clerk or magistrate pursuant to  
12 subsection (b).

13           (2) That the original certified copy received from  
14 the clerk or magistrate remains in the possession of the  
15 Department of Public Safety.

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

18           (e) Upon certification by the Department of Public  
19 Safety as provided in subsection (d), the Department of Public  
20 Safety shall immediately forward the certified documents to  
21 the requesting agency.

22           (f) Notwithstanding any other law or rule of  
23 evidence, a certified copy of the record of adjudication or  
24 conviction as defined in subsection (b), provided by the  
25 Department of Public Safety as provided in subsection (d),  
26 shall be proof of the sex offender's adjudication or

1 conviction of a sex offense and shall be admissible into  
2 evidence, without further proof, in any court in this state.

3 (g) For the purpose of this section, the term  
4 conviction shall mean a final conviction, regardless of  
5 whether the conviction is on appeal.

6 (h) Any clerk of a court, or magistrate of a court  
7 which does not have a clerk, who fails to report any such  
8 conviction in his or her court shall be guilty of a Class A  
9 misdemeanor.

10 Section 42. (a) After a sex offender's conviction or  
11 adjudication, and upon request of the Attorney General's  
12 Office, the office of the prosecuting attorney or the clerk of  
13 the court or magistrate of a court which does not have a  
14 clerk, shall immediately forward the victim's name and most  
15 current address, if available, to the Attorney General's  
16 Office of Victim Assistance.

17 (b) When providing notice of a parole hearing, the  
18 Board of Pardons and Paroles shall provide the Attorney  
19 General's Office of Victim Assistance with any victim  
20 information on victims whose offenders are subject to this  
21 act.

22 (c) Upon request of the victim, the Attorney  
23 General's Office of Victim Assistance shall send a notice to  
24 the victim notifying the victim of the pending release of the  
25 sex offender and the location at which the sex offender  
26 intends to reside. This request by the victim shall be made

1 electronically or in writing to the Attorney General's Office  
2 of Victim Assistance.

3 (d) It shall be the responsibility of the victim to  
4 inform the Attorney General's Office of Victim Assistance of  
5 any change to the victim's address or any other pertinent  
6 information. If the notice sent by the Attorney General's  
7 Office of Victim Assistance is returned as undeliverable, no  
8 further action shall be required of the Attorney General's  
9 Office of Victim Assistance.

10 Section 43. (a) Any jurisdiction or agency  
11 responsible for registering a sex offender shall immediately  
12 forward all required registration information and any changes  
13 to the required registration information received to the  
14 Department of Public Safety in a manner determined by the  
15 director of the department.

16 (b) Upon notification or discovery of the death of a  
17 sex offender, the registering agency shall immediately notify  
18 the Department of Public Safety.

19 (c) The Department of Public Safety shall  
20 immediately enter all registration information received into  
21 its sex offender database.

22 (d) All information received by the Department of  
23 Public Safety shall be immediately forwarded to the following  
24 by the Department of Public Safety:

25 (1) The Alabama Criminal Justice Information Center,  
26 who will in turn provide any information received to the

1 National Criminal Information Center or any other law  
2 enforcement agency for any lawful criminal justice purpose.

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

5 (3) The National Sex Offender Registry.

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

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

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

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

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

17 (e) Upon request, all registration information shall  
18 be available to all federal, state, county, and municipal law  
19 enforcement agencies, prosecuting attorneys, probation  
20 officers, and any National Child Protection Act agencies in  
21 electronic form.

22 (f) No existing state laws, including, but not  
23 limited to, statutes that would otherwise make juvenile and  
24 youthful offender records confidential, shall preclude the  
25 disclosure of any information requested by a responsible  
26 agency, a law enforcement officer, a criminal justice agency,  
27 the Office of the Attorney General, or a prosecuting attorney

1 for purposes of administering, implementing, or enforcing this  
2 act.

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

10 Section 44. Except as provided in Sections 23, 24,  
11 25, and 35, the sex offender registration and notification  
12 requirements required by this act are mandatory and shall not  
13 be altered, amended, waived, or suspended by any court. Any  
14 order altering, amending, waiving, or suspending sex offender  
15 registration and notification requirements, except as provided  
16 in Sections 23, 24, 25, and 35, shall be null, void, and of no  
17 effect.

18 Section 45. (a) The Director of the Department of  
19 Public Safety shall promulgate rules establishing an  
20 administrative hearing for persons who are only made subject  
21 to this act pursuant to subdivision (33) of Section 5.

22 (b) The Director of the Department of Public Safety  
23 shall promulgate rules setting forth a listing of offenses  
24 from other jurisdictions that are to be considered criminal  
25 sex offenses under subdivision (33) of Section 5. Thereafter,  
26 any individual convicted of any offense set forth in the  
27 listing shall immediately be subject to this article and shall



1 not be entitled to an administrative hearing as provided in  
2 subsection (a).

3 (c) The Director of the Department of Public Safety  
4 shall have the authority to promulgate any rules as are  
5 necessary to implement and enforce this act.

6 Section 46. (a) A sex offender who is convicted of  
7 any offense specified in this act, in addition to any  
8 imprisonment or fine, or both, imposed for the commission of  
9 the underlying offense, shall be punished by a fine of two  
10 hundred fifty dollars (\$250).

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

13 (1) Fifty dollars (\$50) to the Highway Traffic  
14 Safety Fund in the Department of Public Safety.

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

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

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

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

23 (6) Fifty dollars (\$50) to the local law enforcement  
24 agency providing notification.

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

1           Section 47. The two hundred dollar (\$200) filing fee  
2 paid by a sex offender who petitions the court for relief  
3 pursuant to Sections 23, 24, 25, or 35 shall be distributed as  
4 follows:

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

7           (2) Fifty dollars (\$50) to the law enforcement  
8 agency providing community notification.

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

11           (4) Fifty dollars (\$50) to Child Advocacy Centers.

12           (d) The filing fee shall not be suspended, waived,  
13 or remitted.

14           Section 48. Nothing in this act shall be construed  
15 as creating a cause of action against the state or any of its  
16 agencies, officials, employees, or political subdivisions  
17 based on the performance of any duty imposed by this act or  
18 the failure to perform any duty imposed by this act.

19           Section 49. Sections 13A-11-200, 13A-11-201, and  
20 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code  
21 of Alabama 1975, are repealed.

22           Section 50. The provisions of this act are  
23 severable. If any part of this act is declared invalid or  
24 unconstitutional, that declaration shall not affect the part  
25 which remains.

26           Section 51. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

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

7           Section 52. This act shall become effective on July  
8 1, 2011, following its passage and approval by the Governor,  
9 or its otherwise becoming law.

1  
2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Judiciary..... 29-MAR-11  
6  
7 Read for the second time and placed on the calen-  
8 dar with 1 substitute and..... 06-APR-11  
9  
10 Read for the third time and passed as amended .... 05-MAY-11

11 Yeas 29  
12 Nays 0

13  
14  
15 Patrick Harris  
16 Secretary  
17