

1 SB301
2 181699-6
3 By Senators Figures and Ward
4 RFD: Judiciary
5 First Read: 14-MAR-17

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to sex offenses and sex offenders; to
12 create the crimes of distributing a private image, sexting,
13 sexual extortion, assault with bodily fluids, and directing a
14 child to engage in sexual intercourse or deviate sexual
15 intercourse, and to provide further for the crime of
16 electronic solicitation of a child; to amend Sections
17 13A-6-122, 15-20A-4, 15-20A-5, 15-20A-7, 15-20A-8, 15-20A-10,
18 15-20A-11, 15-20A-12, 15-20A-13, 15-20A-14, 15-20A-15,
19 15-20A-16, 15-20A-18, 15-20A-21, 15-20A-23, 15-20A-24,
20 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-31,
21 15-20A-32, 15-20A-34, 15-20A-37, 15-20A-42, and 15-20A-43 of
22 the Code of Alabama 1975, to add crimes to the list of
23 enumerated sex offenses for purposes of registration and
24 notification; to create a definition for reside, require
25 certain sex offenders to notify law enforcement of each place
26 the sex offender resides, and provide further for the
27 notification requirements associated with establishing a

1 residence or residences and vacating a residence; to further
2 specify information that may or may not appear on the public
3 registry website; to provide further for the process by which
4 a court may relieve certain sex offenders from registration
5 and notification requirements; to specify additional
6 procedures for payment of the filing fees associated with the
7 petition for relief; to define the term volunteer position and
8 to limit locations in which a sex offender may accept a
9 volunteer position and to require certain sex offenders
10 accepting a volunteer position to notify law enforcement; and
11 in connection therewith would have as its purpose or effect
12 the requirement of a new or increased expenditure of local
13 funds within the meaning of Amendment 621 of the Constitution
14 of Alabama of 1901.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 (b) For purposes of this section, private image
25 means a photograph, digital image, video, film, or other
26 recording of a person who is identifiable from the recording
27 itself or from the circumstances of its transmission and who

1 is engaged in any act of sadomasochistic abuse, sexual
2 intercourse, sexual excitement, masturbation, breast nudity,
3 as defined in Section 13A-12-190, genital nudity, or other
4 sexual conduct. The term includes a recording that has been
5 edited, altered, or otherwise manipulated from its original
6 form.

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

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

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

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

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

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

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

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

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

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

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

25 Section 4. (a) (1) A person commits the crime of
26 directing a child to engage in sexual intercourse or deviate
27 sexual intercourse if he or she knowingly entices, allures,

1 persuades, induces, or directs any person under the age of 12
2 to engage in sexual intercourse or deviate sexual intercourse
3 with another person under the age of 12.

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

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

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

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

19 "§13A-6-122.

20 "In addition to the provisions of Section 13A-6-69,
21 a person who, knowingly, ~~with the intent to commit an unlawful~~
22 ~~sex act,~~ entices, induces, persuades, seduces, prevails,
23 advises, coerces, lures, or orders, or attempts to entice,
24 induce, persuade, seduce, prevail, advise, coerce, lure, or
25 order, by means of a computer, on-line service, Internet
26 service, Internet bulletin board service, weblog, cellular
27 phone, video game system, personal data assistant, telephone,

1 facsimile machine, camera, universal serial bus drive,
2 writable compact disc, magnetic storage device, floppy disk,
3 or any other electronic communication or storage device, a
4 child who is at least three years younger than the defendant,
5 or another person believed by the defendant to be a child at
6 least three years younger than the defendant to meet with the
7 defendant or any other person for the purpose of engaging in
8 sexual intercourse, ~~sodomy, or to engage in a~~ deviate sexual
9 intercourse, sexual contact, sexual performance, obscene
10 sexual performance, ~~or~~ sexual conduct, or genital mutilation
11 ~~for his or her benefit or for the benefit of another, or~~
12 directs a child to engage in sexual intercourse, deviate
13 sexual intercourse, sexual contact, sexual performance,
14 obscene sexual performance, sexual conduct, or genital
15 mutilation, is guilty of electronic solicitation of a child.
16 Any person who violates this section commits a Class B felony.

17 "§15-20A-4.

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

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

22 "(2) CHILD. A person who has not attained the age of
23 12.

24 "(3) CHILDCARE FACILITY. A licensed child daycare
25 center, a licensed childcare facility, or any other childcare
26 service that is exempt from licensing pursuant to Section
27 38-7-3, ~~provided that the licensed child daycare center,~~

1 ~~licensed childcare facility, or any other childcare service~~
2 ~~and location are public record~~ if it is sufficiently
3 conspicuous that a reasonable person should know or recognize
4 its location or its address has ~~have~~ been provided to local
5 law enforcement.

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

20 "(5) EMPLOYMENT. ~~Employment that~~ Compensated work or
21 a volunteer position for any period of time, regardless of
22 whether the work is full-time, part-time, self-employment, or
23 ~~employment as an independent contractor or day laborer for any~~
24 ~~period, whether financially compensated, volunteered, or for~~
25 ~~the purpose of government or educational benefit~~ , provided
26 that employment does not include any time spent traveling as a
27 necessary incident to performing the work.

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

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

6 "~~(8) (7) HOMELESS. A person who has no~~ The state of
7 lacking a fixed residence.

8 "~~(9) (8) IMMEDIATE FAMILY MEMBER. A~~ parent or
9 ~~grandparent, parent, sibling, spouse, child of any age by~~
10 ~~blood, adoption, or marriage, or grandchild;~~ child,
11 grandchild, or sibling of any age by blood, adoption, or
12 marriage; or spouse.

13 "~~(10) (9) IMMEDIATELY. Within three business days.~~

14 "~~(11) (10) JURISDICTION. Any state of the United~~
15 ~~States, any United States territory, the District of Columbia,~~
16 ~~or any federally recognized Indian tribe.~~

17 "~~(12) (11) JUVENILE SEX OFFENDER. An individual who~~
18 ~~has not attained the age of 18 at the time of the offense and~~
19 ~~who is adjudicated delinquent of a sex offense.~~

20 "~~(13) (12) 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, or, if applicable, the chief law enforcement~~
24 ~~officer for a federally recognized Indian tribe.~~

25 "~~(14) (13) MINOR. A person who has not attained the~~
26 ~~age of 18.~~

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

3 "(15) PREDATORY. An act directed at a stranger, a
4 person of casual acquaintance, or with whom no substantial
5 relationship exists, or a person with whom a relationship has
6 been established or promoted for the purpose of victimization
7 of that person or individuals over whom that person has
8 control.

9 "(16) PRIOR CONVICTION. The person has served and
10 has been released or discharged from, or is serving, a
11 separate period of incarceration, commitment, or supervision
12 for the commission of a sex offense, as defined by Section
13 15-20A-5, prior to, or at the time of, committing another sex
14 offense.

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

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

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

3 "(20) RESIDE. To be habitually or systematically
4 present at a place. Whether a person is residing at a place
5 shall be determined by the totality of the circumstances,
6 including the amount of time the person spends at the place
7 and the nature of the person's conduct at the place. The term
8 reside includes, but is not limited to, spending more than
9 four hours a day at the place on three or more consecutive
10 days; spending more than four hours a day at the place on 10
11 or more aggregate days during a calendar month; or spending
12 any amount of time at the place coupled with statements or
13 actions that indicate an intent to live at the place or to
14 remain at the place for the periods specified in this
15 sentence. A person does not have to conduct an overnight visit
16 to reside at a place.

17 "~~(20)~~ (21) RESIDENCE. ~~Each fixed residence or other~~
18 ~~place where a person resides, sleeps, or habitually lives or~~
19 ~~will reside, sleep, or habitually live. If a person does not~~
20 ~~reside, sleep, or habitually live in a fixed residence,~~
21 ~~residence means a description of the locations where the~~
22 ~~person is stationed regularly, day or night, including any~~
23 ~~mobile or transitory living quarters or locations that have no~~
24 ~~specific mailing or street address. Residence shall be~~
25 ~~construed to refer to the places where a person resides,~~
26 ~~sleeps, habitually lives, or is stationed with regularity, A~~
27 fixed residence as defined by Section 15-20A-4 or other place

1 where the person resides, regardless of whether the person
2 declares or characterizes such place as a residence.

3 ~~"(21)~~ (22) RESPONSIBLE AGENCY. The person or
4 government entity whose duty it is to obtain information from
5 a sex offender and to transmit that information to the Alabama
6 State Law Enforcement Agency, police departments, and
7 sheriffs. For a sex offender being released from state prison,
8 the responsible agency is the Department of Corrections. For a
9 sex offender being released from a county jail, the
10 responsible agency is the sheriff of that county. For a sex
11 offender being released from a municipal jail, the responsible
12 agency is the chief of police of that municipality. For a sex
13 offender being placed on probation, including conditional
14 discharge or unconditional discharge, without any sentence of
15 incarceration, the responsible agency is the sentencing court
16 or designee of the sentencing court. For a juvenile sex
17 offender being released from the Department of Youth Services,
18 the responsible agency is the Department of Youth Services.
19 For a sex offender who is being released from a jurisdiction
20 outside this state and who is to reside in this state, the
21 responsible agency is the sheriff of the county in which the
22 offender intends to establish a residence.

23 ~~"(22)~~ (23) RISK ASSESSMENT. A written report on the
24 assessment of risk for sexually re-offending conducted by a
25 sex offender treatment program or provider approved by the
26 Department of Youth Services. The report shall include, but
27 not be limited to, the following regarding the juvenile sex

1 offender: Criminal history, mental status, attitude, previous
2 sexual offender treatment and response to treatment, social
3 factors, conditions of release expected to minimize risk of
4 sexual re-offending, and characteristics of the sex offense.

5 ~~"(23)~~ (24) SCHOOL. A licensed or accredited public,
6 private, or church school that offers instruction in grades
7 ~~K-12~~ pre-K-12 if it is sufficiently conspicuous that a
8 reasonable person should know or recognize its location or its
9 address has been provided to local law enforcement. The
10 definition does not include a private residence in which
11 students are taught by parents or tutors or any facility
12 dedicated exclusively to the education of adults unless that
13 facility has a childcare facility as defined in subdivision
14 (3).

15 ~~"(24)~~ (25) SENTENCING COURT. The court of
16 adjudication or conviction.

17 ~~"(25)~~ (26) SEX OFFENDER. Includes any adult sex
18 offender, any youthful offender sex offender, and any juvenile
19 sex offender.

20 ~~"(26)~~ (27) SEX OFFENSE INVOLVING A CHILD. A
21 conviction for any sex offense in which the victim was a child
22 or any offense involving child pornography.

23 ~~"(27)~~ (28) SEX OFFENSE INVOLVING A MINOR. A
24 conviction for any sex offense in which the victim was a minor
25 or any offense involving child pornography.

26 ~~"(28)~~ (29) SEXUALLY VIOLENT PREDATOR. A person who
27 has been convicted of a sexually violent offense and who is

1 likely to engage in one or more future sexually violent
2 offenses or is likely to engage in future predatory sex
3 offenses.

4 "~~(29)~~ (30) STUDENT. A person who is enrolled in or
5 attends, on a full-time or part-time basis, any public or
6 private educational institution, including a secondary school,
7 trade or professional school, or institution of higher
8 education.

9 "~~(30)~~ (31) TEMPORARY LODGING INFORMATION. Lodging
10 information including, but not limited to, the name and
11 address of any location where the person is staying when away
12 from his or her residence for three or more days and the
13 period of time the person is staying at that location.

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

20 "~~(31)~~ (33) YOUTHFUL OFFENDER SEX OFFENDER. An
21 individual adjudicated as a youthful offender for a sex
22 offense who has not yet attained the age of 21 at the time of
23 the offense.

24 "§15-20A-5.

25 "For the purposes of this chapter, a sex offense
26 includes any of the following offenses:

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

3 "(2) Rape in the second degree, as provided by
4 Section 13A-6-62.

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

7 "(4) Sodomy in the second degree, as provided by
8 Section 13A-6-64.

9 "(5) Sexual misconduct, as provided by Section
10 13A-6-65, provided that on a first conviction or adjudication
11 the sex offender is only subject to registration and
12 verification pursuant to this chapter. On a second or
13 subsequent conviction or adjudication of a sex offense, if the
14 second or subsequent conviction or adjudication does not arise
15 out of the same set of facts and circumstances as the first
16 conviction or adjudication of a sex offense, the sex offender
17 shall comply with all requirements of this chapter. The
18 sentencing court may exempt from this chapter a juvenile sex
19 offender adjudicated delinquent of sexual misconduct.

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

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

24 "(8) Sexual abuse in the second degree, as provided
25 by Section 13A-6-67.

26 "(9) Indecent exposure, as provided by Section
27 13A-6-68, provided that on a first conviction or adjudication

1 of a sex offense, the sex offender is only subject to
2 registration and verification pursuant to this chapter. On a
3 second or subsequent conviction or adjudication of a sex
4 offense, if the second or subsequent conviction or
5 adjudication does not arise out of the same set of facts and
6 circumstances as the first conviction or adjudication, the sex
7 offender shall comply with all requirements of this chapter.
8 The sentencing court may exempt from this chapter a juvenile
9 sex offender adjudicated delinquent of indecent exposure.

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

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

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

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

19 "(14) Violation of the Alabama Child Pornography
20 Act, as provided by Section 13A-12-191, 13A-12-192,
21 13A-12-196, or 13A-12-197. The sentencing court may exempt
22 from this chapter a juvenile sex offender adjudicated
23 delinquent of a violation of the Alabama Child Pornography Act
24 after the juvenile has been counseled on the dangers of the
25 conduct for which he or she was adjudicated delinquent.

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

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

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

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

13 "(18) Kidnapping of a minor, except by a parent,
14 guardian, or custodian, as provided by Section 13A-6-43 or
15 13A-6-44.

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

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

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

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

24 "(23) Facilitating solicitation of unlawful sexual
25 conduct with a child, as provided by Section 13A-6-121.

26 "(24) Electronic solicitation of a child, as
27 provided by Section 13A-6-122.

1 "(25) Facilitating the on-line solicitation of a
2 child, as provided by Section 13A-6-123.

3 "(26) Traveling to meet a child for an unlawful sex
4 act, as provided by Section 13A-6-124.

5 "(27) Facilitating the travel of a child for an
6 unlawful sex act, as provided by Section 13A-6-125.

7 "(28) Human trafficking in the first degree, as
8 provided by Section 13A-6-152, provided that the offense
9 involves sexual servitude.

10 "(29) Human trafficking in the second degree, as
11 provided by Section 13A-6-153, provided that the offense
12 involves sexual servitude.

13 "(30) Custodial sexual misconduct, as provided by
14 Section 14-11-31.

15 "(31) Sexual extortion, as provided by Section 4 of
16 the act adding this amendatory language.

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

20 "~~(31)~~ (33) Any offense which is the same as or
21 equivalent to any offense set forth above as the same existed
22 and was defined under the laws of this state existing at the
23 time of such conviction, specifically including, but not
24 limited to, crime against nature, as provided by Section
25 13-1-110; rape, as provided by Sections 13-1-130 and 13-1-131;
26 carnal knowledge of a woman or girl, as provided by Sections
27 13-1-132 through 13-1-135, or attempting to do so, as provided

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

14 ~~"(32)~~ (34) Any solicitation, attempt, or conspiracy
15 to commit any of the offenses listed in subdivisions (1) to
16 (31), inclusive.

17 ~~"(33)~~ (35) Any crime committed in Alabama or any
18 other state, the District of Columbia, any United States
19 territory, or a federal, military, Indian, or foreign country
20 jurisdiction which, if it had been committed in this state
21 under the current provisions of law, would constitute an
22 offense listed in subdivisions (1) to (32), inclusive.

23 ~~"(34)~~ (36) Any offense specified by Title I of the
24 federal Adam Walsh Child Protection and Safety Act of 2006
25 (Pub. L. 109-248, the Sex Offender Registration and
26 Notification Act (SORNA)).

1 "~~(35)~~ (37) Any crime committed in another state, the
2 District of Columbia, any United States territory, or a
3 federal, military, Indian, or foreign country jurisdiction if
4 that jurisdiction also requires that anyone convicted of that
5 crime register as a sex offender in that jurisdiction.

6 "~~(36)~~ (38) Any offender determined in any
7 jurisdiction to be a sex offender shall be considered a sex
8 offender in this state.

9 "~~(37)~~ (39) The foregoing notwithstanding, any crime
10 committed in any jurisdiction which, irrespective of the
11 specific description or statutory elements thereof, is in any
12 way characterized or known as rape, carnal knowledge, sodomy,
13 sexual assault, sexual battery, criminal sexual conduct,
14 criminal sexual contact, sexual abuse, continuous sexual
15 abuse, sexual torture, solicitation of a child, enticing or
16 luring a child, child pornography, lewd and lascivious
17 conduct, taking indecent liberties with a child, molestation
18 of a child, criminal sexual misconduct, video voyeurism, or
19 there has been a finding of sexual motivation.

20 "~~(38)~~ (40) Any crime not listed in this section
21 wherein the underlying felony is an element of the offense and
22 listed in subdivisions (1) to ~~(37)~~ (39), inclusive.

23 "~~(39)~~ (41) Any other offense not provided for in
24 this section wherein there is a finding of sexual motivation
25 as provided by Section 15-20A-6.

26 "§15-20A-7.

1 "(a) The following registration information, unless
2 otherwise indicated, shall be provided by the sex offender
3 when registering:

4 "(1) Name, including any aliases, nicknames, ethnic,
5 or tribal names.

6 "(2) Date of birth.

7 "(3) Social Security number.

8 "(4) Address of each residence.

9 "(5) Name and address of any school the sex offender
10 attends or will attend. For purposes of this subdivision, a
11 school includes an educational institution, public or private,
12 including a secondary school, a trade or professional school,
13 or an institution of higher education.

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

17 "(7) The license plate number, registration number
18 or identifier, description, and permanent or frequent location
19 where all vehicles are kept for any vehicle used for work or
20 personal use, including land vehicles, aircraft, and
21 watercraft.

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

24 "(9) Any email addresses or instant message address
25 or identifiers used, including any designations or monikers
26 used for self-identification in Internet communications or

1 postings other than those used exclusively in connection with
2 a lawful commercial transaction.

3 "(10) A current photograph.

4 "(11) A physical description of the sex offender
5 including physical appearance, physical characteristics, and
6 identifying marks such as scars and tattoos.

7 "(12) Fingerprints and palm prints.

8 "(13) A DNA sample. The DNA sample may be collected
9 by the probation officer, sheriff, chief of police, or other
10 responsible agency. Prior to collecting a DNA sample, the
11 responsible agency shall determine if a DNA sample has already
12 been collected for the sex offender by checking the Dru Sjodin
13 National Sex Offender Public Registry website, the Alabama
14 Department of Forensic Sciences DNATracker site, or with the
15 Alabama State Law Enforcement Agency. If a DNA sample has not
16 been previously collected for the sex offender, the
17 responsible agency shall coordinate for the collection of a
18 DNA sample with the sheriff of the county in which the
19 registration is occurring. The collection of a DNA sample
20 should be performed using materials recommended or provided by
21 the Alabama Department of Forensic Sciences. The DNA sample
22 shall be immediately forwarded by the entity collecting the
23 sample to the Department of Forensic Sciences.

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

26 "(15) A photocopy of any and all passport and
27 immigration documents.

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

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

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

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

12 "(b) The registering agency is not required to
13 obtain any of the following information each time the sex
14 offender verifies his or her required registration information
15 if the registering agency verifies the information has already
16 been 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 Alabama State Law Enforcement Agency in a
26 manner determined by the secretary of the department and
27 promulgated in rule by the secretary upon recommendation of an

1 advisory board consisting of representatives of the office of
2 the Attorney General, District Attorneys Association, Chiefs
3 of Police Association, Sheriffs Association, and the Alabama
4 State Law Enforcement Agency. The advisory board members shall
5 not receive any compensation or reimbursement for serving on
6 the advisory board.

7 "(d) The required registration information shall
8 include a form explaining all registration and notification
9 duties, including any requirements and restrictions placed on
10 the sex offender. This form shall be signed and dated by the
11 sex offender. If the sex offender fails to sign the form, the
12 designee of the registering agency shall sign the form stating
13 that the requirements have been explained to the sex offender
14 and that the sex offender refused to sign.

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

21 "(f) Any person who knowingly fails to provide the
22 required registration information, or who knowingly provides
23 false information, pursuant to this section shall be guilty of
24 a Class C felony.

25 "§15-20A-8.

26 "(a) All of the following registration information
27 shall be provided on the public registry website maintained by

1 the Alabama State Law Enforcement Agency and may be provided
2 on any community notification documents:

3 "(1) Name, including any aliases, nicknames, ethnic,
4 or Tribal names.

5 "(2) Address of each residence.

6 "(3) Address of any school the sex offender attends
7 or will attend. For purposes of this subdivision, a school
8 includes an educational institution, public or private,
9 including a secondary school, a trade or professional school,
10 or an institution of higher education.

11 "(4) Address of any employer where the sex offender
12 works or will work, including any transient or day laborer
13 information.

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

17 "(6) A current photograph.

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

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

21 "(9) The text of the criminal provision of any sex
22 offense of which the sex offender has been adjudicated or
23 convicted.

24 "(10) Status of the sex offender, including whether
25 the sex offender has absconded.

1 "(b) None of the following information shall be
2 provided on the public registry website or any other
3 notification documents:

4 "(1) Criminal history of any arrests not resulting
5 in conviction.

6 "(2) Social Security number.

7 "(3) Travel and immigration document numbers.

8 "(4) Victim identity.

9 "(5) ~~Internet identifiers~~ Any email addresses or
10 instant message addresses or identifiers used by the sex
11 offender.

12 "(6) Any Internet service providers used by the sex
13 offender.

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

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

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

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

25 "(g) The website shall include instructions on how
26 to seek correction of information that a person contends is
27 erroneous.

1 "(h) The website shall include a warning that
2 information on the site should not be used to unlawfully
3 injure, harass, or commit a crime against any person named in
4 the registry or residing or working at any reported address
5 and that any such action may result in civil or criminal
6 penalties. The website shall also include a warning that,
7 prior to including the individual on the website, the Alabama
8 State Law Enforcement Agency did not consider or assess the
9 individual's specific risk of reoffense or current
10 dangerousness; that inclusion on the website is based solely
11 on an individual's conviction record and state law; and that
12 the Legislature's purpose in providing this data is to make
13 the information more easily available and accessible, not to
14 warn about any specific individual.

15 "§15-20A-10.

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

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

1 "(b) Immediately upon establishing a new residence,
2 accepting employment, accepting a volunteer position, or
3 beginning school attendance, the adult sex offender shall
4 appear in person to register with local law enforcement in
5 each county in which the adult sex offender establishes a
6 residence, accepts employment, accepts a volunteer position,
7 or begins school attendance.

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

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

26 "(d) Immediately upon any name change, the adult sex
27 offender shall immediately appear in person to update the

1 information with local law enforcement in each county in which
2 the adult sex offender is required to register.

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

14 "(2) Notwithstanding any other provision of law
15 regarding the establishment of residence, an adult sex
16 offender has transferred or terminated his or her residence
17 for purposes of subdivision (1) whenever the adult sex
18 offender vacates his or her residence or fails to spend three
19 or more consecutive days at his or her residence without
20 previously notifying local law enforcement or completing a
21 travel notification document pursuant to Section 15-20A-15.

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

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

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

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

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

21 "§15-20A-11.

22 "(a) No adult sex offender shall establish a
23 residence, or maintain a residence after release or
24 conviction, ~~or establish any other living accommodation~~ within
25 2,000 feet of the property on which any school, childcare
26 facility, or resident camp facility is located unless
27 otherwise exempted pursuant to Sections 15-20A-23 and

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

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

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

24 "(d) No adult sex offender shall ~~establish or~~
25 ~~maintain a residence or any other living accommodation~~ reside
26 or conduct an overnight visit with a minor. ~~For the purpose of~~
27 ~~this subsection, living accommodation includes, but is not~~

1 ~~limited to, any overnight visit with a minor.~~ Notwithstanding
2 the foregoing, an adult sex offender may reside with a minor
3 if the adult sex offender is the parent, grandparent,
4 stepparent, sibling, or stepsibling of the minor, unless one
5 of the following conditions applies:

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

9 "(2) The adult sex offender has been convicted of
10 any sex offense in which any of the minor children,
11 grandchildren, stepchildren, siblings, or stepsiblings of the
12 adult sex offender was the victim.

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

17 "(4) The adult sex offender has been convicted of
18 any sex offense involving a child, regardless of whether the
19 adult sex offender was related to or shared a residence with
20 the child victim.

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

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

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

3 ~~"(2) Wherever an adult sex offender~~ wherever he or
4 she resides following release, regardless of whether the adult
5 sex offender resided at the same location prior to the time of
6 conviction.

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

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

19 "(f) An adult sex offender is exempt from
20 subsections (a) and (b) during the time ~~an~~ the adult sex
21 offender is ~~admitted to a hospital~~ in the facility of a
22 licensed health care provider or is incarcerated in a jail,
23 prison, mental health facility, or any other correctional
24 placement facility wherein the adult sex offender is not
25 allowed unsupervised access to the public.

26 "(g) An adult sex offender shall not be found in
27 violation of subsection (a) on the basis of any address,

1 street number, place, or parcel that has been approved in
2 writing by local law enforcement prior to establishing a
3 residence. Local law enforcement shall promulgate, publicize,
4 and enforce a policy that affords sex offenders a reasonable
5 opportunity to obtain preapproval of a proposed residence.

6 "~~(g)~~ (h) For the purposes of this section, the
7 2,000-foot measurement shall be taken in a straight line from
8 nearest property line to nearest property line.

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

11 "§15-20A-12.

12 "(a) An adult sex offender who no longer has a fixed
13 residence shall be considered homeless and shall appear in
14 person and report such change in fixed residence to local law
15 enforcement where he or she is located immediately upon such
16 change in fixed residence.

17 "(b) In addition to complying with the registration
18 and verification requirements pursuant to Section 15-20A-10, a
19 homeless adult sex offender who lacks a fixed residence, or
20 who does not provide an address at a fixed residence at the
21 time of release or registration, shall report in person once
22 every seven days to law enforcement agency where he or she
23 resides. If the sex offender resides within the city limits of
24 a municipality, he or she shall report to the chief of police.
25 If the adult sex offender resides outside of the city limits
26 of a municipality he or she shall report to the sheriff of the

1 county. The weekly report shall be on a day specified by local
2 law enforcement and shall occur during normal business hours.

3 "(c) A homeless adult sex offender who lacks a fixed
4 address shall comply with the residence restrictions set forth
5 in Section 15-20A-11.

6 "(d) (1) Each time a homeless adult sex offender
7 reports under this section, he or she shall provide all of the
8 following information:

9 "a. Name.

10 "b. Date of birth.

11 "c. Social Security number.

12 "d. A detailed description of the location or
13 locations where he or she has resided during the week.

14 "e. A list of the locations where he or she plans to
15 reside in the upcoming week with as much specificity as
16 possible.

17 "(2) The registering agency is not required to
18 obtain the remaining required registration information from
19 the homeless adult sex offender each time he or she reports to
20 the registering agency unless the homeless adult sex offender
21 has any changes to the remaining required registration
22 information.

23 "(e) If an adult sex offender who was homeless
24 obtains a fixed ~~address~~ residence in compliance with the
25 provisions of Section 15-20A-11, the adult sex offender shall
26 immediately appear in person to update the information with
27 local law enforcement in each county of residence.

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

3 "§15-20A-13.

4 "(a) No adult sex offender shall ~~apply for,~~ accept,
5 or maintain employment ~~or vocation~~ or a volunteer position at
6 any school, childcare facility, mobile vending business that
7 provides services primarily to children, or any other business
8 or organization that provides services primarily to children,
9 or any amusement or water park.

10 "(b) No adult sex offender shall ~~apply for,~~ accept,
11 or maintain employment or a volunteer position ~~for any~~
12 ~~employment or vocation~~ within 2,000 feet of the property on
13 which a school or childcare facility is located unless
14 otherwise exempted pursuant to Sections 15-20A-24 and
15 15-20A-25.

16 "(c) No adult sex offender, after having been
17 convicted of a sex offense involving a child, shall ~~apply for,~~
18 accept, or maintain employment ~~or vocation~~ or a volunteer
19 position ~~for any employment or vocation~~ within 500 feet of a
20 playground, park, athletic field or facility, or any other
21 business or facility having a principal purpose of caring for,
22 educating, or entertaining minors.

23 "(d) Changes to property within 2,000 feet of an
24 adult sex offender's place of employment which occur after an
25 adult sex offender accepts employment shall not form the basis
26 for finding that an adult sex offender is in violation of this
27 section.

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

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

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

11 "§15-20A-14.

12 "(a) Any adult sex offender who declares he or she
13 is entering the state to establish a residence or who enters
14 this state to establish a residence shall immediately appear
15 in person and register all required registration information
16 with local law enforcement in the county where the adult sex
17 offender intends to establish or establishes a residence.

18 "(b) Any adult sex offender who enters this state to
19 accept employment, ~~carry on a vocation,~~ or a volunteer
20 position or to become a student shall immediately appear in
21 person and register all required registration information with
22 local law enforcement in the county where the adult sex
23 offender accepts employment, ~~carries on a vocation,~~ or the
24 volunteer position or becomes a student.

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

1 "(d) Within 30 days of initial registration, the
2 adult sex offender shall provide each registering agency with
3 a certified copy of his or her sex offense conviction;
4 however, an adult sex offender shall be exempt from this
5 subsection if the adult sex offender provides adequate
6 documentation that the certified record is no longer available
7 or has been destroyed.

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

10 "§15-20A-15.

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

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

26 "(c) If a sex offender intends to travel to another
27 country, he or she shall report in person to the sheriff in

1 each county of residence and complete a travel notification
2 document at least 21 days prior to such travel. If the travel
3 to another country is for a family or personal medical
4 emergency or a death in the family, then the sex offender
5 shall report in person to the sheriff in each county of
6 residence immediately prior to travel. Any information
7 reported to the sheriff in each county of residence shall
8 immediately be reported to the United States Marshals Service
9 and the Alabama State Law Enforcement Agency.

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

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

25 "(f) Upon return to the county of residence, the
26 adult sex offender shall immediately report to the sheriff in
27 each county of residence.

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

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

6 "§15-20A-16.

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

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

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

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

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

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

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

6 "~~(3) The sex offense is an offense included in~~
7 ~~Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67, of if the~~
8 ~~crime was committed in this state or any other jurisdiction~~
9 ~~which, if had been committed in this state under the current~~
10 ~~provisions of law, would constitute an offense listed in~~
11 ~~Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67.~~

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

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

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

22 "§15-20A-18.

23 "(a) Every adult sex offender who is a resident of
24 this state shall obtain from the Alabama State Law Enforcement
25 Agency, and always have in his or her possession, a valid
26 driver license or identification card issued by the Alabama
27 State Law Enforcement Agency. If any adult sex offender is

1 ineligible to be issued a driver license or official
2 identification card, the Alabama State Law Enforcement Agency
3 shall provide the adult sex offender some other form of
4 identification card or documentation that, if it is kept in
5 the possession of the adult sex offender, shall satisfy the
6 requirements of this section. If any adult sex offender is
7 determined to be indigent, an identification card, or other
8 form of identification or documentation that satisfies the
9 requirements of this section, shall be issued to the adult sex
10 offender at no cost. Indigence shall be determined by order of
11 the court prior to each issuance of a driver license or
12 identification card.

13 (b) The adult sex offender shall obtain from the
14 Alabama State Law Enforcement Agency a valid driver license or
15 identification card bearing a designation that enables law
16 enforcement officers to identify the licensee as a sex
17 offender within 14 days of his or her initial registration
18 following release, initial registration upon entering the
19 state to become a resident, or immediately following his or
20 her next registration after July 1, 2011.

21 (c) Whenever the Alabama State Law Enforcement
22 Agency issues or renews a driver license or identification
23 card to an adult sex offender, the driver license or
24 identification card shall bear a designation that, at a
25 minimum, enables law enforcement officers to identify the
26 licensee as a sex offender.

1 (d) Upon obtaining or renewing a driver license or
2 identification card bearing a designation that enables law
3 enforcement officers to identify the licensee as a sex
4 offender, the adult sex offender shall relinquish to the
5 Alabama State Law Enforcement Agency any other driver license
6 or identification card previously issued to him or her by a
7 state motor vehicle agency which does not bear any designation
8 enabling law enforcement officers to identify the licensee as
9 a sex offender. Nothing in this section shall require an adult
10 sex offender to relinquish, or preclude an adult sex offender
11 from possessing, any form of identification issued to him or
12 her by an entity other than a state motor vehicle agency,
13 including, but not limited to, the United States, a federal
14 department or agency, a municipal or county government entity,
15 an educational institution, or a private employer.

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

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

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

5 "§15-20A-21.

6 "(a) Immediately upon the release of an adult sex
7 offender or immediately upon notice of where the adult sex
8 offender plans to establish, or has established a fixed
9 residence, the following procedures shall apply:

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

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

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

11 "(b) A community notification flyer shall be made by
12 regular mail or hand delivered to all legal residences
13 required by this section and include registration information
14 pursuant to Section 15-20A-8. In addition, any other method
15 reasonably expected to provide notification may be utilized,
16 including, but not limited to, posting a copy of the notice in
17 a prominent place at the office of the sheriff and at the
18 police station closest to the declared fixed residence of the
19 released adult sex offender, publicizing the notice in a local
20 newspaper, posting electronically, including the Internet, or
21 other means available.

22 "(c) Nothing in this chapter shall be construed as
23 prohibiting the Secretary of the Alabama State Law Enforcement
24 Agency, a sheriff, or a chief of police from providing
25 community notification under the provisions of this chapter by
26 regular mail, electronically, or by publication or
27 periodically to persons whose legal residence is within the

1 guidelines of this chapter or more than the applicable
2 distance from the residence of an adult sex offender.

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

12 "§15-20A-23.

13 "(a) A sex offender required to register under this
14 chapter may petition the court for relief from the residency
15 restriction pursuant to subsection (a) of Section 15-20A-11
16 during the time a sex offender is terminally ill or
17 permanently immobile, or the sex offender has a debilitating
18 medical condition requiring substantial care or supervision or
19 requires placement in a residential health care facility.

20 "(b) A petition for relief pursuant to this section
21 shall be filed in the civil division of the circuit court of
22 the county in which the sex offender seeks relief from the
23 residency restriction.

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

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

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

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

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

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

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

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

19 "(3) The sex offender's criminal record and an
20 affidavit stating that the sex offender has no pending
21 criminal charges.

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

24 "(5) A release allowing the prosecuting attorney or
25 the court to obtain any other medical records or documentation
26 relevant to the petition.

1 "(6) Any other information requested by the court
2 relevant to the petition.

3 "(e) Upon notification of the petition, the
4 prosecuting attorney shall make reasonable efforts to notify
5 the victim of the crime for which the sex offender is required
6 to register of the petition and the dates and times of any
7 hearings or other proceedings in connection with the petition.

8 "(f) The court shall hold a hearing within 30 days
9 of the filing of the petition. Upon request of the prosecuting
10 attorney, and for good cause shown, the hearing may be
11 continued to allow the prosecuting attorney to obtain any
12 relevant records pertinent to the hearing. At the hearing the
13 prosecuting attorney and the victim shall have the opportunity
14 to be heard.

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

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

5 "(i) If the court finds that the sex offender still
6 poses a risk, has provided false or misleading information in
7 support of the petition, or failed to serve the petition and
8 supporting documentation upon the parties as provided for in
9 subsection (c), then the petition shall be denied.

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

15 "(k) If at any time the sex offender is no longer
16 terminally ill, permanently immobile, or no longer suffers
17 from a debilitating medical condition requiring substantial
18 care or supervision or no longer requires placement in a
19 residential health care facility, the sex offender shall
20 immediately register in person with local law enforcement in
21 each county of residence, ~~and~~ update all required registration
22 information, and comply with the residency restriction
23 pursuant to subsection (a) of Section 15-20A-11.

24 "(l) No sex offender petitioning the court under
25 this section for an order terminating the sex offender's
26 obligation to comply with the residency restrictions is

1 entitled to publicly funded experts or publicly funded
2 witnesses.

3 "(m) ~~The~~ Upon request of the state, the court may
4 ~~petition the court to~~ reinstate the restrictions pursuant to
5 subsection (a) of Section 15-20A-11 for good cause shown,
6 including, but not limited to, whenever the grounds for a
7 relief order issued pursuant to subsection (g) are revealed to
8 be false or no longer true. No filing fee may be assessed for
9 a petition filed under this subsection.

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

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

24 "(p) A person who knowingly provides false or
25 misleading information pursuant to this section shall be
26 guilty of a Class C felony.

27 "§15-20A-24.

1 "(a) At disposition, sentencing, upon completion of
2 probation, or upon completion of a term of registration
3 ordered by the sentencing court, a sex offender may petition
4 the court for relief from ~~registration and notification~~ the
5 requirements of this chapter resulting from any of the
6 following offenses, provided that he or she meets the
7 requirements set forth in subsection (b):

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

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

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

14 "(4) Sexual misconduct, as provided by Section
15 13A-6-65.

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

20 "(6) Any solicitation, attempt, or conspiracy to
21 commit any of the offenses listed in subdivisions (1) to (5),
22 inclusive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 "(4) A list of each registering agency in each
27 county and jurisdiction in which the sex offender is required

1 to or has ever been required to register, if the petition is
2 filed upon completion of probation or a term of registration.

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

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

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

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

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

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

27 "(2) Recommendations from the prosecuting attorney.

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

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

5 "(5) The relationship of the parties.

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

7 "(7) The protection of society.

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

10 "(i) The court may grant full or partial relief from
11 this chapter. If the court grants relief, the court shall
12 enter an order detailing the relief granted and provide a copy
13 of the order to the prosecuting attorney and the Alabama State
14 Law Enforcement Agency.

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

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

23 "(l) ~~If~~ In addition to sex offenders adjudicated or
24 convicted of a sex offense on or after July 1, 2011, a sex
25 offender ~~was~~ adjudicated or convicted of any of the offenses
26 specified in subsection (a) prior to July 1, 2011, ~~and~~ who
27 meets the eligibility requirements specified in subsection

1 (b), except as otherwise provided for in subsection (k), ~~the~~
2 ~~sex offender~~ may petition the court for relief pursuant to
3 this section.

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

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

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

22 "§15-20A-25.

23 "(a) A sex offender may petition at sentencing, or
24 if after sentencing, a sex offender may file a petition in the
25 civil division of the circuit court in the county where the
26 sex offender seeks to accept or maintain employment for relief
27 from the employment restrictions pursuant to subsection (b) of

1 Section 15-20A-13. A sex offender adjudicated or convicted of
2 any of the following sex offenses shall not be entitled to
3 relief under this section:

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

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

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

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

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

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

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

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

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

24 "a. The prosecuting attorney in the county of
25 adjudication or conviction, if the sex offender was
26 adjudicated or convicted in this state.

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

3 "c. Local law enforcement where the sex offender was
4 adjudicated or convicted, if the sex offender was adjudicated
5 or convicted in this state.

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

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

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

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

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

21 "(3) The sex offender's criminal record and an
22 affidavit stating that the sex offender has no pending
23 criminal charges.

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

26 "(5) Justification as to why the court should grant
27 relief.

1 "(6) Any other information requested by the court
2 relevant to the petition.

3 "(d) Upon notification of the petition, the
4 prosecuting attorney shall make reasonable efforts to notify
5 the victim of the crime for which the sex offender is required
6 to register of the petition and the dates and times of any
7 hearings or other proceedings in connection with the petition.

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

11 "(f) The court shall issue an order releasing the
12 sex offender from the requirements of the employment
13 restrictions pursuant to subsection (b) of Section 15-20A-13
14 if the court finds by clear and convincing evidence that the
15 sex offender does not pose a substantial risk of perpetrating
16 any future sex offense. The court may consider any of the
17 following factors in determining whether to grant relief:

18 "(1) The nature of the offense.

19 "(2) Past criminal history of the sex offender.

20 "(3) The location where the sex offender is employed
21 or intends to obtain employment.

22 "(4) Any other information deemed relevant by the
23 court.

24 "(g) If the court grants the petition, the court
25 shall enter an order detailing the relief granted and provide
26 a copy of the order to the prosecuting attorney where the

1 petition was filed and to the Alabama State Law Enforcement
2 Agency.

3 "(h) A sex offender is not eligible for relief under
4 this section if he or she was adjudicated or convicted of a
5 sex offense previous to or subsequent to the offense of which
6 he or she is petitioning the court for relief or has any
7 pending criminal charges for any sex offense.

8 "(i) ~~The~~ Upon request of the state, the court may
9 ~~petition the court to~~ reinstate the restrictions pursuant to
10 subsection (b) of Section 15-20A-13 for good cause shown,
11 including, but not limited to, whenever the grounds for a
12 relief order issued pursuant to subsection (f) are revealed to
13 be false or no longer true. No filing fee may be assessed for
14 a petition filed under this subsection.

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

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

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

7 "§15-20A-26.

8 "(a) Upon adjudication of delinquency for a sex
9 offense, a juvenile sex offender shall be required to receive
10 sex offender treatment by a sex offender treatment program or
11 provider approved by the Department of Youth Services.

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

23 "(c) Upon receiving the risk assessment, the
24 juvenile probation office shall provide a copy of the risk
25 assessment to the state and either the attorney for the
26 juvenile sex offender or the parent, guardian, or custodian of
27 the juvenile sex offender. In addition, the juvenile probation

1 office shall immediately notify the attorney for the juvenile
2 sex offender and either the parent, guardian, or custodian of
3 the pending release of the juvenile sex offender from a
4 facility where the juvenile sex offender does not have
5 unsupervised access to the public.

6 "(d) Within 60 days of receiving the risk
7 assessment, the court shall conduct a hearing to determine the
8 risk of the juvenile sex offender to the community and the
9 level of notification that shall apply.

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

17 "§15-20A-27.

18 "(a) In determining whether to apply notification
19 requirements to a juvenile sex offender, the sentencing court
20 shall consider any of the following factors relevant to the
21 risk of re-offense:

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

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

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

8 "(4) Whether psychological or psychiatric profiles
9 indicate a risk of recidivism.

10 "(5) The relationship between the juvenile sex
11 offender and the victim.

12 "(6) The particular facts and circumstances
13 surrounding the offense.

14 "(7) The level of planning and participation in the
15 offense.

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

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

19 "(10) The response to treatment of the juvenile sex
20 offender.

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

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

25 "(13) The protection of society.

26 "(14) Any other factors deemed relevant by the
27 court.

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

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

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

1 notification flyer shall be mailed by regular mail or hand
2 delivered to all schools or childcare facilities as required
3 by this subsection. No other method may be used to disseminate
4 this information.

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

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

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

17 "§15-20A-28.

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

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

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

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

1 "(4) Sexual torture, as provided by Section
2 13A-6-65.1.

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

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

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

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

20 "(c) A juvenile sex offender who is not subject to
21 lifetime registration pursuant to subsection (a), shall be
22 subject to this chapter for a period of 10 years from the ~~last~~
23 ~~date of release from the offense subjecting the juvenile sex~~
24 ~~offender to registration in accordance with this chapter~~ first
25 registration.

26 "~~(d) If a juvenile sex offender required to register~~
27 ~~under this chapter is civilly committed, hospitalized, or~~

1 ~~re-incarcerated for another offense or, as the result of~~
2 ~~having violated the terms of probation, parole, or aftercare,~~
3 ~~fails to register or fails to comply with the requirements of~~
4 ~~this chapter, the registration requirements and the remaining~~
5 ~~period of time for which the juvenile sex offender shall~~
6 ~~register shall be tolled during the period of commitment,~~
7 ~~hospitalization, re-incarceration, or noncompliance.~~

8 "~~(e)~~ (d) The sentencing court or the juvenile court
9 where the juvenile sex offender resides, if the juvenile sex
10 offender's adjudication of delinquency occurred in another
11 jurisdiction, may give a juvenile sex offender credit for the
12 time the juvenile sex offender was registered in another
13 jurisdiction.

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

18 "§15-20A-31.

19 "(a) During the time a juvenile sex offender is
20 subject to the registration requirements of this chapter, the
21 juvenile sex offender shall not ~~apply for,~~ accept, or maintain
22 employment or ~~vocation,~~ or a volunteer position ~~for any~~
23 ~~employment or vocation~~ at any school, childcare facility, or
24 any other business or organization that provides services
25 primarily to children.

26 "(b) It shall be unlawful for the owner or operator
27 of any childcare facility or any other organization that

1 provides services primarily to children to knowingly ~~employ~~
2 provide employment or ~~accept a~~ volunteer ~~services from~~
3 position to a juvenile sex offender.

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

6 "§15-20A-32.

7 "(a) A juvenile sex offender or youthful offender
8 sex offender, or equivalent thereto, who is not currently a
9 resident of this state, shall immediately appear in person and
10 register all required registration information upon
11 establishing a residence, accepting employment or a volunteer
12 position, or beginning school attendance in this state with
13 local law enforcement in each county where the juvenile sex
14 offender or youthful offender sex offender resides or intends
15 to reside, accepts employment or a volunteer position, or
16 begins school attendance.

17 "(b) Within 30 days of initial registration, the
18 juvenile sex offender or youthful offender sex offender shall
19 provide each registering agency with a certified copy of his
20 or her sex offense adjudication; however, a juvenile sex
21 offender or youthful offender sex offender shall be exempt
22 under this subsection if the court of adjudication seals the
23 records and refuses to provide a certified copy or the records
24 have been destroyed by the court.

25 "(c) Whenever a juvenile sex offender enters this
26 state to establish a residence, he or she shall be subject to

1 the requirements of this chapter as it applies to juvenile sex
2 offenders in this state.

3 "(d) Whenever a youthful offender sex offender, or
4 equivalent thereto, enters this state to establish a
5 residence, he or she shall be subject to the requirements of
6 this chapter as it applies to youthful offender sex offenders
7 in this state.

8 "(e) A juvenile sex offender or youthful offender
9 sex offender entering this state to accept employment or a
10 volunteer position or to begin school attendance, but not to
11 establish a residence, must immediately appear in person and
12 register any subsequent changes to the required registration
13 information with local law enforcement in each county where he
14 or she is required to register.

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

17 "§15-20A-34.

18 "(a) A juvenile sex offender subject to lifetime
19 registration pursuant to Section 15-20A-28 may file a petition
20 requesting the sentencing juvenile court to enter an order
21 relieving the juvenile sex offender of the requirements
22 pursuant to this chapter 25 years after the juvenile sex
23 offender is released from the custody of the Department of
24 Youth Services or sentenced, if the juvenile sex offender was
25 placed on probation, for the sex offense requiring
26 registration pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

26 "(1) A certified copy of the adjudication of
27 delinquency requiring registration.

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

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

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

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

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

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

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

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

26 "(1) Recommendations from the juvenile sex
27 offender's probation officer, including, but not limited to,

1 the recommendations in the predisposition report and the
2 juvenile sex offender's compliance with supervision
3 requirements.

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

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

6 "(j) Upon receipt of a copy of an order granting
7 relief as provided in this section, the Alabama State Law
8 Enforcement Agency shall remove the juvenile sex offender from
9 the public registry website. If the registering agencies
10 maintain a local registry of sex offenders who are registered
11 with their 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,
15 the juvenile sex offender shall wait at least 12 months from
16 the date of the order denying the petition before petitioning
17 the 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 under this section shall be two hundred dollars (\$200) to be
22 distributed as provided in Section 15-20A-46. The filing fee
23 may be waived initially and taxed as costs at the conclusion
24 of the case if the court finds that payment of the fee will
25 constitute a substantial hardship. A verified statement of
26 substantial hardship, signed by the sex offender and approved
27 by the court, shall be filed with the clerk of court.

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

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

7 "§15-20A-37.

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

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

21 "(c) If no determination can be made as to whether
22 the sex offender has absconded, the sheriff of the county in
23 which the sex offender failed to appear for registration shall
24 immediately notify the Alabama State Law Enforcement Agency
25 and the United States Marshals Service that the sex offender
26 cannot be located and provide any information available to

1 determine whether the sex offender absconded to the United
2 States Marshals Service.

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

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

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

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

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

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

23 "(e) A sex offender who knowingly fails to appear
24 for registration after declaring his or her intent to reside,
25 be employed, or attend school in a county without notifying
26 local law enforcement in that county that he or she will no
27 longer establish a residence, maintain employment or a

1 volunteer position, or attend school, shall be guilty of a
2 Class C felony.

3 "§15-20A-42.

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

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

20 "(c) The Alabama State Law Enforcement Agency shall
21 immediately enter all registration information received into
22 its sex offender database.

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

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

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

6 "(3) The National Sex Offender Registry.

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

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

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

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

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

18 "(e) Upon request, all registration information
19 shall be available in electric form to all federal, state,
20 county, and municipal law enforcement agencies, prosecuting
21 attorneys, probation officers, and any agency responsible for
22 conducting employment-related background checks under the
23 National Child Protection Act agencies in electronic form of
24 1993 (42 U.S.C. 5119a).

25 "(f) No existing state laws, including, but not
26 limited to, statutes that would otherwise make juvenile and
27 youthful offender records confidential, shall preclude the

1 disclosure of any information requested by a responsible
2 agency, a law enforcement officer, a criminal justice agency,
3 the Office of the Attorney General, or a prosecuting attorney
4 for purposes of administering, implementing, or enforcing this
5 chapter. No state law shall preclude the disclosure of any
6 information concerning a juvenile sex offender or youthful
7 offender sex offender to the Department of Human Resources for
8 the purpose of conducting an assessment with regard to a
9 person as provided by law.

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

18 "(h) Notwithstanding any other provision of law to
19 the contrary, a sex offender's Internet identifiers as
20 described in subdivision (9) of subsection (a) of Section
21 15-20A-7, and a sex offender's Internet service providers as
22 described in subdivision (18) of subsection (a) of Section
23 15-20A-7, may only be disclosed pursuant to federal law or to
24 law enforcement for the purpose of administering,
25 implementing, or enforcing this chapter or to prevent or
26 investigate a crime by the sex offender based on an
27 articulable basis for suspicion. In no event shall such

1 information be disclosed other than for one of the purposes
2 identified in the preceding sentence. A violation of this
3 subsection shall constitute a Class A misdemeanor.

4 "§15-20A-43.

5 "(a) Except as provided in Sections 15-20A-5,
6 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-34 or the
7 former 15-20-21(4) (a), the ~~sex offender registration and~~
8 notification requirements required by of this chapter are
9 mandatory and shall not be altered, amended, waived, or
10 suspended by any court. Any court order altering, amending,
11 waiving, or suspending sex offender registration and
12 notification requirements, except as provided in Sections
13 15-20A-5, 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25,
14 15-20A-34 or the former 15-20-21(4) (a), shall be null, void,
15 and of no effect.

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

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

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

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

26 Section 6. 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 because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 7. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 14-MAR-17

Read for the second time and placed on the calen-
dar..... 15-MAR-17

Read for the third time and passed as amended 13-APR-17

Yeas 29
Nays 0

Patrick Harris,
Secretary.