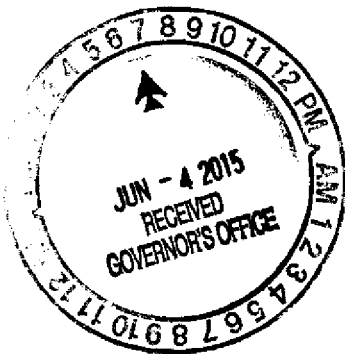


ACT No. 2015 - 463

1 HB316
2 165910-7
3 By Representatives Givan, Beckman, England, Treadaway and
4 Coleman-Evans
5 RFD: Judiciary
6 First Read: 18-MAR-15



1
2 ENROLLED, An Act,

3 Relating to sex offender registration, to amend
4 Sections 12-15-107, 12-15-116, 13A-5-2, 13A-5-6, 14-9-41,
5 15-18-8, 15-19-7, 15-20A-4, 15-20A-5, 15-20A-6, 15-20A-7,
6 15-20A-8, 15-20A-9, 15-20A-10, 15-20A-11, 15-20A-12,
7 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-17,
8 15-20A-18, 15-20A-20, 15-20A-21, 15-20A-22, 15-20A-23,
9 15-20A-24, 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28,
10 15-20A-29, 15-20A-30, 15-20A-31, 15-20A-32, 15-20A-34,
11 15-20A-35, 15-20A-36, 15-20A-37, 15-20A-38, 15-20A-39,
12 15-20A-40, 15-20A-42, 15-20A-43, 15-20A-44, 15-20A-45,
13 15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24, 36-18-25,
14 38-13-2, and 38-13-4, Code of Alabama 1975, to make technical
15 revisions to the Alabama Sex Offender Registration and
16 Community Notification Act; to update internal citations to
17 reflect the appropriate section of the current registration
18 and community notification law; to clarify that petitions for
19 relief from registration, employment, or living restrictions
20 must be filed in the civil division of the circuit court; to
21 provide a penalty for a sex offender who absconds and fails to
22 register with the county where he or she declared intent to
23 reside; and to require a sex offender to provide law
24 enforcement with a list of all Internet providers used by the
25 sex offender; and in connection therewith to have as its

purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-15-107, 12-15-116, 13A-5-2, 13A-5-6, 14-9-41, 15-18-8, 15-19-7, 15-20A-4, 15-20A-5, 15-20A-6, 15-20A-7, 15-20A-8, 15-20A-9, 15-20A-11, 15-20A-12, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18, 15-20A-21, 15-20A-22, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-29, 15-20A-32, 15-20A-34, 15-20A-35, 15-20A-37, 15-20A-38, 15-20A-39, 15-20A-40, 15-20A-42, 15-20A-43, 15-20A-44, 15-20A-45, 15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24, 36-18-25, 38-13-2, and 38-13-4, Code of Alabama 1975, are amendeded to read as follows:

"§12-15-107.

"(a) For the purpose of carrying out the objectives and purposes of this chapter and subject to the limitations of this chapter or imposed by the juvenile court, a juvenile probation officer shall perform the following duties:

"(1) Make investigations, reports, and recommendations to the juvenile court.

"(2) Serve as a juvenile court intake officer when designated by the juvenile court judge.

"(3) Supervise and assist a child placed on probation or aftercare by order of the juvenile court or other authority of law until the terms of probation or aftercare expire or are otherwise terminated.

"(4) Make appropriate referrals to other private or public departments or agencies of the community if their assistance appears to be needed or desirable.

"(5) Make predisposition studies and submit reports and recommendations to the juvenile court as required by this chapter.

"(6) Collect and compile statistical data and file reports as may be required by the Administrative Director of Courts pursuant to subdivision (1) of Section 12-5-10. The reports may include, but shall not be limited to, statistical data, case studies, and research materials.

"(7) Notify the state and either the parent, legal guardian, or legal custodian of a juvenile ~~criminal~~ sex offender, or the child's attorney for the juvenile ~~criminal~~ sex offender, of the pending release of the juvenile sex offender and provide them with a copy of the risk assessment pursuant to subsection ~~(b)(c)~~ of Section ~~15-20-28~~ 15-20A-26.

"(8) Perform other functions as are designated by this chapter or directed by the juvenile court.

1 "(b) For the purposes of this chapter, a juvenile
2 probation officer with the approval of the juvenile court,
3 shall have the power to take into custody and place in shelter
4 or detention, subject to Section 12-15-208, a child who is on
5 probation or aftercare under his or her supervision when the
6 juvenile probation officer has reasonable cause to believe
7 that the child has violated the conditions of his or her
8 probation or aftercare, or that he or she may flee from the
9 jurisdiction of the juvenile court. A juvenile probation
10 officer does not have the powers of a law enforcement officer.

11 "§12-15-116.

12 "(a) A juvenile court shall have exclusive original
13 jurisdiction to try any individual committing any of the
14 following offenses while 18 years of age or older:

15 "(1) Contributing to the delinquency, in need of
16 supervision, or dependency of a child in violation of Section
17 12-15-111.

18 "(2) Opposing or interfering with a juvenile
19 probation officer or a representative of the Department of
20 Human Resources in violation of Section 12-15-112.

21 "(3) Violating any of the confidentiality provisions
22 of Sections 12-15-133, 12-15-134, 12-15-135, or 12-15-217.

23 "(4) Nonsupport in violation of Section 13A-13-4.

24 "(5) Violating any of the juvenile ~~criminal~~ sex
25 offender provisions of Section ~~15-20-28(g)(1)~~ 15-20A-27(b)(1).

"(6) Violating any of the provisions of the compulsory school attendance laws in Section 16-28-12.

"(b) All criminal cases before the juvenile court shall be governed by the laws relating thereto and shall be initiated by complaint made before a judge or magistrate according to criminal procedure.

"§13A-5-2.

"(a) Every person convicted of a felony shall be sentenced by the court to imprisonment for a term authorized by Sections 13A-5-6, 13A-5-9, and 13A-5-10.

"(b) In addition to imprisonment, every person convicted of a felony may be sentenced by the court to pay a fine authorized by Section 13A-5-11.

"(c) Every person convicted of a misdemeanor or violation shall be sentenced by the court to:

"(1) Imprisonment for a term authorized by Section 13A-5-7; or

"(2) Pay a fine authorized by Section 13A-5-12; or

"(3) Both such imprisonment and fine.

"(d) Every person convicted of a felony, misdemeanor, or violation, except for the commission of a ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4(26), may be placed on probation as authorized by law.

1 "(e) This article does not deprive a court of
2 authority conferred by law to forfeit property, dissolve a
3 corporation, suspend or cancel a license or permit, remove a
4 person from office, cite for contempt, or impose any other
5 lawful civil penalty. Such a judgment, order, or decree may be
6 included as part of the sentence.

7 "(f) Every person convicted of murder shall be
8 sentenced by the court to imprisonment for a term, or to death
9 or to life imprisonment without parole as authorized by
10 subsection (c) of Section 13A-6-2.

11 "§13A-5-6.

12 "(a) Sentences for felonies shall be for a definite
13 term of imprisonment, which imprisonment includes hard labor,
14 within the following limitations:

15 "(1) For a Class A felony, for life or not more than
16 99 years or less than 10 years.

17 "(2) For a Class B felony, not more than 20 years or
18 less than 2 years.

19 "(3) For a Class C felony, not more than 10 years or
20 less than 1 year and 1 day.

21 "(4) For a Class A felony in which a firearm or
22 deadly weapon was used or attempted to be used in the
23 commission of the felony, or a Class A felony ~~criminal~~ sex
24 offense involving a child as defined in Section ~~15-20-21(5)~~
25 15-20A-4(26), not less than 20 years.

1 "(5) For a Class B or C felony in which a firearm or
2 deadly weapon was used or attempted to be used in the
3 commission of the felony, or a Class B felony ~~criminal~~ sex
4 offense involving a child as defined in Section ~~15-20-21(5)~~
5 15-20A-4(26), not less than 10 years.

6 "(b) The actual time of release within the
7 limitations established by subsection (a) of this section
8 shall be determined under procedures established elsewhere by
9 law.

10 "(c) In addition to any penalties heretofore or
11 hereafter provided by law, in all cases where an offender is
12 designated as a sexually violent predator pursuant to Section
13 ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a
14 Class A felony ~~criminal~~ sex offense involving a child as
15 defined in Section ~~15-20-21(5)~~ 15-20A-4(26), and is sentenced
16 to a county jail or the Alabama Department of Corrections, the
17 sentencing judge shall impose an additional penalty of not
18 less than 10 years of post-release supervision to be served
19 upon the defendant's release from incarceration.

20 "(d) In addition to any penalties heretofore or
21 hereafter provided by law, in all cases where an offender is
22 convicted of a sex offense pursuant to Section 13A-6-61,
23 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of
24 age or older and the victim was six years of age or less at
25 the time the offense was committed, the defendant shall be

1 sentenced to life imprisonment without the possibility of
2 parole.

3 "§14-9-41.

4 "(a) Each prisoner who shall hereafter be convicted
5 of any offense against the laws of the State of Alabama and is
6 confined, in execution of the judgment or sentence upon any
7 conviction, in the penitentiary or at hard labor for the
8 county or in any municipal jail for a definite or
9 indeterminate term, other than for life, whose record of
10 conduct shows that he has faithfully observed the rules for a
11 period of time to be specified by this article may be entitled
12 to earn a deduction from the term of his sentence as follows:

13 "(1) Seventy-five days for each 30 days actually
14 served while the prisoner is classified as a Class I prisoner.

15 "(2) Forty days for each 30 days actually served
16 while the prisoner is a Class II prisoner.

17 "(3) Twenty days for each 30 days actually served
18 while the prisoner is a Class III prisoner.

19 "(4) No good time shall accrue during the period the
20 prisoner is classified as a Class IV prisoner.

21 "(b) Within 90 days after May 19, 1980, the
22 Commissioner of the Department of Corrections shall establish
23 and publish in appropriate directives certain criteria not in
24 conflict with this article for Class I, II, III, and IV
25 prisoner classifications. Such classifications shall encompass

1 consideration of the prisoner's behavior, discipline, and work
2 practices and job responsibilities.

3 "(c) (1) Class I is set aside for those prisoners who
4 are considered to be trustworthy in every respect and who, by
5 virtue of their work habits, conduct, and attitude of
6 cooperation have proven their trustworthiness. An example of a
7 Class I inmate would be one who could work without constant
8 supervision by a security officer.

9 "(2) Class II is that category of prisoners whose
10 jobs will be under the supervision of a correctional employee
11 at all times. Any inmate shall remain in this classification
12 for a minimum period of six months before being eligible for
13 Class I.

14 "(3) Class III is for prisoners with special
15 assignments. They may not receive any of the privileges of
16 Class I and Class II inmates. Any inmate shall remain in this
17 classification for a minimum period of three months before
18 being eligible for Class II.

19 "(4) Class IV is for prisoners not yet classified
20 and for those who are able to work and refuse, or who commit
21 disciplinary infractions of such a nature which do not warrant
22 a higher classification, or inmates who do not abide by the
23 rules of the institution. Inmates who are classified in this
24 earning class receive no correctional incentive time. This
25 class is generally referred to as "flat time" or

1 "day-for-day." Any inmate shall remain in this classification
2 for a minimum period of 30 days before being eligible for
3 Class III.

4 "(5) No inmate may reach any class without first
5 having gone through and meeting the requirements of all lower
6 classifications.

7 "(d) As a prisoner gains a higher classification
8 status he shall not be granted retroactive incentive credit
9 based on the higher classification he has reached, but shall
10 be granted incentive credit based solely on the classification
11 in which he was serving at the time the incentive credit was
12 earned. Nothing in this article shall be interpreted as
13 authorizing an inmate incentive credits based on the highest
14 classification he attains for any period of time in which he
15 was serving in a lower classification or from the date of his
16 sentence.

17 "(e) Provided, however, no person may receive the
18 benefits of correctional incentive time if he or she has been
19 convicted of a Class A felony or has been sentenced to life,
20 or death, or who has received a sentence for more than 15
21 years in the state penitentiary or in the county jail at hard
22 labor or in any municipal jail. No person may receive the
23 benefits of correctional incentive time if he or she has been
24 convicted of a ~~criminal~~ sex offense involving a child as
25 defined in Section ~~15-20-21(5)~~ 15-20A-4(26). No person may be

1 placed in Class I if he or she has been convicted of an
2 assault where the victims of such assault suffered the
3 permanent loss or use or permanent partial loss or use of any
4 bodily organ or appendage. No person may be placed in Class I
5 if he or she has been convicted of a crime involving the
6 perpetration of sexual abuse upon the person of a child under
7 the age of 17 years.

8 "The court sentencing a person shall note upon the
9 transcript to accompany such prisoner the fact that he or she
10 has been sentenced as a result of a crime that forbids his or
11 her being classified as a Class I prisoner.

12 "(f) (1) If during the term of imprisonment a
13 prisoner commits an offense or violates a rule of the
14 Department of Corrections, all or any part of his correctional
15 incentive time accrued pursuant to this section shall be
16 forfeited.

17 "(2) The Commissioner of the Department of
18 Corrections shall have the power to restore to any prisoner
19 who has heretofore, or who may hereafter, forfeit the
20 deductions allowed him or her for good behavior, work habits
21 and cooperation, or good conduct, by violating any existing
22 law or prison rule or regulation such portion of his deduction
23 for good conduct or good behavior as may be proper in his
24 judgment, upon recommendation and evidence submitted to him by
25 the warden in charge.

1 "(g) (1) When a prisoner is serving two or more terms
2 of imprisonment and the sentences run consecutively, then all
3 such sentences shall be combined for the purpose of computing
4 deductions for correctional incentive time and release date;
5 however, the actual deduction from sentence for correctional
6 incentive time provided by this section shall apply only to
7 sentences to be served.

8 "(2) When a prisoner is serving two or more
9 sentences which run concurrently, the sentence which results
10 in the longer period of incarceration yet remaining shall be
11 considered the term to which such prisoner is sentenced for
12 the purpose of computing his release date and correctional
13 incentive time under the provisions of this article. When
14 computing the deductions allowed in this section on
15 indeterminate sentences the maximum sentence shall be the
16 basis for the computation. The provisions of this section
17 shall be administered by the chief administrative officer of
18 the penal institution as it applies to prisoners in any state
19 penal institution, by the sheriff of the county as it applies
20 to prisoners in any county jail and by the chief of police as
21 it applies to prisoners in any municipal jail.

22 "(h) Deductions for good behavior, work habits and
23 cooperation, or good conduct shall be interpreted to give
24 authorized good time retroactively, to those offenders
25 convicted of crimes committed after May 19, 1980, except those

1 convicted of crimes of the unlawful sale or distribution of
2 controlled substances as enumerated in Title 13A and in former
3 Chapter 2 of Title 20, and for any sexual offenses as
4 enumerated in Chapter 6, Title 13A, provided however that the
5 Commissioner of the Department of Corrections shall have the
6 prison records of all inmates, who become eligible under this
7 article, reviewed and shall disqualify any such inmate from
8 being awarded good time under this article at his discretion.

9 "§15-18-8.

10 "(a) When a defendant is convicted of an offense,
11 other than a ~~criminal~~ sex offense involving a child as defined
12 in Section ~~15-20-21(5)~~ 15-20A-4(26), which constitutes a Class
13 A or B felony and receives a sentence of 20 years or less in
14 any court having jurisdiction to try offenses against the
15 State of Alabama and the judge presiding over the case is
16 satisfied that the ends of justice and the best interests of
17 the public as well as the defendant will be served thereby, he
18 or she may order:

19 "(1) That the convicted defendant be confined in a
20 prison, jail-type institution, or treatment institution for a
21 period not exceeding three years in cases where the imposed
22 sentence is not more than 15 years, and that the execution of
23 the remainder of the sentence be suspended notwithstanding any
24 provision of the law to the contrary and that the defendant be
25 placed on probation for such period and upon such terms as the

1 court deems best. In cases involving an imposed sentence of
2 greater than 15 years, but not more than 20 years, the
3 sentencing judge may order that the convicted defendant be
4 confined in a prison, jail-type institution, or treatment
5 institution for a period not exceeding five years, but not
6 less than three years, during which the offender shall not be
7 eligible for parole or release because of deduction from
8 sentence for good behavior under the Alabama Correctional
9 Incentive Time Act, and that the remainder of the sentence be
10 suspended notwithstanding any provision of the law to the
11 contrary and that the defendant be placed on probation for the
12 period upon the terms as the court deems best.

13 "(2) That the convicted defendant may be confined,
14 upon consultation with the Commissioner of the Alabama
15 Department of Corrections (hereinafter called department) in a
16 disciplinary, rehabilitation, conservation camp program
17 (hereinafter called program) of the department. The convicted
18 defendant shall be received into the department in accordance
19 with applicable department rules and regulations and may be
20 placed in the program after completion of this initial
21 reception. The program shall be not less than 90 days nor more
22 than 180 days in duration and shall be operated in accordance
23 with department rules and regulations and as otherwise
24 provided for by law. The commissioner of the department or his
25 or her designee shall report to the sentencing court of each

1 convicted defendant whether or not the convicted defendant
2 completes or does not complete the program with any additional
3 information that the commissioner or his or her designee shall
4 wish to provide the court. Upon receipt of this report, the
5 sentencing court may, upon its own order, suspend the
6 remainder of the sentence and place the convicted defendant on
7 probation as provided herein or order the convicted defendant
8 to be confined to a prison, jail-type institution, or
9 treatment institution for a period not to exceed three years
10 and that the execution of the remainder of the sentence be
11 suspended and the defendant be placed on probation for such
12 period and upon such terms as the court deems best. If the
13 sentencing court imposes additional confinement, as outlined
14 above, credit shall be given for the actual time spent by the
15 convicted defendant in the program. Conviction of an offense
16 or prior offense of murder, rape first degree, kidnapping
17 first degree, sodomy first degree, enticing a child to enter
18 vehicle, house, etc., for immoral purposes, arson first
19 degree, robbery first degree, and sentencing of life without
20 parole will not be eligible for this program. It shall be the
21 duty of the Joint Prison Committee as established by Sections
22 29-2-20 to 29-2-22, inclusive, to annually review the
23 operation of the program and report their findings to the
24 Alabama Legislature.

1 "(b) Probation may not be granted for a ~~criminal~~ sex
2 offense involving a child as defined in Section ~~15-20-21(5)~~
3 15-20A-4(26), which constitutes a Class A or B felony.

4 Otherwise, probation may be granted whether the offense is
5 punishable by fine or imprisonment or both. If an offense is
6 punishable by both fine and imprisonment, the court may impose
7 a fine and place the defendant on probation as to
8 imprisonment. Probation may be limited to one or more counts
9 or indictments, but, in the absence of express limitation,
10 shall extend to the entire sentence and judgment.

11 "(c) Regardless of whether the defendant has begun
12 serving the minimum period of confinement ordered under the
13 provisions of subsection (a), the court shall retain
14 jurisdiction and authority throughout that period to suspend
15 that portion of the minimum sentence that remains and place
16 the defendant on probation, notwithstanding any provision of
17 the law to the contrary and the court may revoke or modify any
18 condition of probation or may change the period of probation.

19 "(d) While incarcerated or on probation and among
20 the conditions thereof, the defendant may be required:

21 "(1) To pay a fine in one or several sums;

22 "(2) To make restitution or reparation to aggrieved
23 parties for actual damages or loss caused by the offense for
24 which conviction was had; and

1 "(3) To provide for the support of any persons for
2 whose support he or she is legally responsible.

3 "(e) The defendant's liability for any fine or other
4 punishment imposed as to which probation is granted shall be
5 fully discharged by the fulfillment of the terms and
6 conditions of probation.

7 "(f) During any term of probation, the defendant
8 shall report to the probation authorities at such time and
9 place as directed by the judge imposing sentence.

10 "(g) No defendant serving a minimum period of
11 confinement ordered under the provisions of subsection (a)
12 shall be entitled to parole or to deductions from his or her
13 sentence under the Alabama Correctional Incentive Time Act,
14 during the minimum period of confinement so ordered; provided,
15 however, that this subsection shall not be construed to
16 prohibit application of the Alabama Correctional Incentive
17 Time Act to any period of confinement which may be required
18 after the defendant has served such minimum period.

19 "§15-19-7.

20 "(a) No determination made under the provisions of
21 this chapter shall disqualify any youth for public office or
22 public employment, operate as a forfeiture of any right or
23 privilege or make him ineligible to receive any license
24 granted by public authority, and such determination shall not
25 be deemed a conviction of crime; provided, however, that if he

1 is subsequently convicted of crime, the prior adjudication as
2 youthful offender shall be considered.

3 "(b) The fingerprints and photographs and other
4 records of a person adjudged a youthful offender shall not be
5 open to public inspection unless the person adjudged a
6 youthful offender is treated as an adult sex offender
7 according to Section 15-20A-35; provided, however, that the
8 court may, in its discretion, permit the inspection of papers
9 or records.

10 "§15-20A-4.

11 "For purposes of this chapter, the following words
12 shall have the following meanings:

13 "(1) ADULT SEX OFFENDER. ~~An adult~~ A person convicted
14 of a sex offense.

15 "(2) CHILD. A person who has not attained the age of
16 12.

17 "(3) CHILDCARE FACILITY. A licensed child daycare
18 center, a licensed childcare facility, or any other childcare
19 service that is exempt from licensing pursuant to Section
20 38-7-3, provided that the licensed child daycare center,
21 licensed childcare facility, or any other childcare service
22 and location are public record or have been provided to local
23 law enforcement.

24 "(4) CONVICTION. ~~A determination or judgment of~~
25 ~~guilt following a~~ A verdict or finding of guilt as the result

1 of a trial, a plea of guilty, a plea of nolo contendere, or an
2 Alford plea regardless of whether adjudication was withheld.

3 Conviction includes, but is not limited to, a conviction in a
4 United States territory, a conviction in a federal or military
5 tribunal, including a court martial conducted by the Armed
6 Forces of the United States, a conviction for an offense
7 committed on an Indian reservation or other federal property,
8 a conviction in any state of the United States or a conviction
9 in a foreign country if the foreign country's judicial system
10 is such that it satisfies minimum due process set forth in the
11 guidelines under Section 111(5)(B) of Public Law 109-248.
12 Cases on appeal are deemed convictions until reversed or
13 overturned.

14 "(5) EMPLOYMENT. Employment that is full-time,
15 part-time, self-employment, or employment as an independent
16 contractor or day laborer for any period, whether financially
17 compensated, volunteered, or for the purpose of government or
18 educational benefit.

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

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

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

1 "(9) IMMEDIATE FAMILY MEMBER. A grandparent, parent,
2 sibling, spouse, child of any age by blood, adoption, or
3 marriage, or grandchild.

4 "(10) IMMEDIATELY. Within three business days.

5 "(11) JURISDICTION. Any state of the United States,
6 any United States territory, the District of Columbia, or any
7 federally recognized Indian tribe.

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

11 "(13) LOCAL LAW ENFORCEMENT. The sheriff of the
12 county and the chief of police if the location subject to
13 registration is within the corporate limits of any
14 municipality.

15 "(14) MINOR. A person who has not attained the age
16 of 18.

17 "(15) PREDATORY. An act directed at a stranger, a
18 person of casual acquaintance, or with whom no substantial
19 relationship exists, or a person with whom a relationship has
20 been established or promoted for the purpose of victimization
21 of that person or individuals over whom that person has
22 control.

23 "(16) PRIOR CONVICTION. The person has served and
24 has been released or discharged from, or is serving, a
25 separate period of incarceration, commitment, or supervision

1 for the commission of a sex offense, as defined by Section
2 15-20A-5, prior to, or at the time of, committing another sex
3 offense.

4 "(17) REGISTERING AGENCY. Any ~~law enforcement~~ agency
5 ~~where~~ with whom the sex offender registers required
6 registration information.

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

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

19 "(20) RESIDENCE. Each fixed residence or other place
20 where a person resides, sleeps, or habitually lives or will
21 reside, sleep, or habitually live. If a person does not
22 reside, sleep, or habitually live in a fixed residence,
23 residence means a description of the locations where the
24 person is stationed regularly, day or night, including any
25 mobile or transitory living quarters or locations that have no

1 specific mailing or street address. Residence shall be
2 construed to refer to the places where a person resides,
3 sleeps, habitually lives, or is stationed with regularity,
4 regardless of whether the person declares or characterizes
5 such place as a residence.

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

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

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

17 "(24) SENTENCING COURT. The court of adjudication or
18 conviction.

19 "(25) SEX OFFENDER. Includes any adult sex offender,
20 any youthful offender sex offender, and any juvenile sex
21 offender.

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

1 "(27) SEX OFFENSE INVOLVING A MINOR. ~~A conviction~~
2 ~~for any A conviction for any A~~ sex offense in which the
3 victim was a minor or any offense involving child pornography.

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

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

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

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

21 "\$15-20A-5.

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

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

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

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

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

7 "(5) Sexual misconduct, as provided by Section
8 13A-6-65, provided that on a first conviction or adjudication
9 the sex offender is only subject to registration and
10 verification pursuant to this chapter. On a second or
11 subsequent conviction or adjudication of a sex offense, if the
12 second or subsequent conviction or adjudication does not arise
13 out of the same set of facts and circumstances as the first
14 conviction or adjudication of a sex offense, the sex offender
15 shall comply with all requirements of this chapter. The
16 sentencing court may exempt from this chapter a juvenile sex
17 offender adjudicated delinquent of sexual misconduct.

18 "(6) Sexual torture, as provided by Section
19 13A-6-65.1.

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

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

24 "(9) Indecent exposure, as provided by Section
25 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 act a juvenile sex
9 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.

22 "(15) Unlawful imprisonment in the first degree, as
23 provided by Section 13A-6-41, if the victim of the offense is
24 a minor, and the record of adjudication or conviction reflects

1 the intent of the unlawful imprisonment was to abuse the minor
2 sexually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 "(31) Any offense which is the same as or equivalent
18 to any offense set forth above as the same existed and was
19 defined under the laws of this state existing at the time of
20 such conviction, specifically including, but not limited to,
21 crime against nature, as provided by Section 13-1-110; rape,
22 as provided by Sections 13-1-130 and 13-1-131; carnal
23 knowledge of a woman or girl, as provided by Sections 13-1-132
24 through 13-1-135, or attempting to do so, as provided by
25 Section 13-1-136; indecent molestation of children, as defined

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

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

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

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

1 "(35) 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) Any offender determined in any jurisdiction to
7 be a sex offender shall be considered a sex offender in this
8 state.

9 "(37) 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, ~~or~~ video voyeurism, or
19 there has been a finding of sexual motivation.

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

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

1 "§15-20A-6.

2 "(a) (1) The indictment, count in the indictment,
3 information, complaint or warrant charging the offense may
4 include a specification of sexual motivation or the
5 prosecuting attorney may file an allegation of sexual
6 motivation in any criminal case classified as a felony or
7 Class A misdemeanor if sufficient admissible evidence exists
8 that would justify a finding of sexual motivation by a
9 reasonable and objective finder of fact.

10 "(2) If a specification is included in the
11 indictment, count in the indictment, information, complaint,
12 or warrant charging the offense the specification shall be
13 stated at the end of the body of the indictment, count in the
14 indictment, information, complaint or warrant and shall be in
15 substantially the following form: "SPECIFICATION or
16 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert
17 appropriate name) further find and specify that the offender
18 committed the offense with a sexual motivation."

19 "(3) If the prosecuting attorney files an allegation
20 of sexual motivation, it shall be filed within a reasonable
21 time after indictment to give sufficient notice to the
22 defendant.

23 "(b) If the indictment, count of the indictment,
24 information, complaint or warrant charging the offense
25 includes a specification of sexual motivation or if the

1 prosecuting attorney files an allegation of sexual motivation,
2 the state shall prove beyond a reasonable doubt that the
3 defendant committed the offense with a sexual motivation.

4 "(c) The court shall make a written finding of fact,
5 to be made part of the record upon conviction or adjudication
6 as a youthful offender, of whether or not a sexual motivation
7 was present at the time of the commission of the offense
8 unless the defendant has a trial by jury.

9 "(d) If a defendant has a trial by jury, the jury,
10 if it finds the defendant guilty, shall also find a special
11 verdict as to whether or not the defendant committed the crime
12 with a sexual motivation.

13 "(e) If there is a finding of sexual motivation, the
14 finding shall be made part of the record of conviction or
15 adjudication.

16 "(f) For purposes of this section, sexual motivation
17 means that one of the purposes for which the defendant
18 committed the crime was for the purpose of the sexual
19 gratification of the defendant.

20 "(g) This section shall not apply to sex offenses as
21 defined in subdivisions (1) to (38), inclusive, of Section
22 15-20A-5.

23 "§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

1 used for self-identification in Internet communications or
2 postings.

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 ~~Department of Public~~
16 ~~Safety~~. If a DNA sample has not been previously collected for
17 the sex offender, the responsible agency shall coordinate for
18 the collection of a DNA sample with the sheriff of the county
19 in which the registration is occurring. The collection of a
20 DNA sample should be performed using materials recommended or
21 provided by the Alabama Department of Forensic Sciences. The
22 DNA sample shall be immediately forwarded by the entity
23 collecting the sample to the Department of Forensic Sciences.
24 "(14) A photocopy of the valid driver license or
25 identification card.

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

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

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

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

~~"(18)~~ (19) Any other information deemed necessary by the ~~Director~~ Secretary of the ~~Department of Public Safety~~ Alabama State Law Enforcement Agency.

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

"(1) A current photograph.

"(2) Fingerprints or palm prints.

"(3) A DNA sample.

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

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

3 "(c) The registration information shall be
4 transmitted to the ~~Department of Public Safety~~ Alabama State
5 Law Enforcement Agency in a manner determined by the ~~director~~
6 secretary of the department and promulgated in rule by the
7 ~~director~~ secretary upon recommendation of an advisory board
8 consisting of representatives of the office of the Attorney
9 General, District Attorneys Association, Chiefs of Police
10 Association, Sheriffs Association, and the ~~Department of~~
11 ~~Public Safety~~ Alabama State Law Enforcement Agency. The
12 advisory board members shall not receive any compensation or
13 reimbursement for serving on the advisory board.

14 "(d) The required registration information shall
15 include a form explaining all registration and notification
16 duties, including any requirements and restrictions placed on
17 the sex offender. This form shall be signed and dated by the
18 sex offender. If the sex offender fails to sign the form, the
19 designee of the registering agency shall sign the form stating
20 that the requirements have been explained to the sex offender
21 and that the sex offender refused to sign.

22 "(e) All required registration information shall be
23 stored electronically in a manner determined by the ~~Director~~
24 Secretary of the ~~Department of Public Safety~~ Alabama State Law
25 Enforcement Agency and shall be available in a digitized

1 format by the ~~Department of Public Safety~~ Alabama State Law
2 Enforcement Agency to anyone entitled to receive the
3 information as provided in Section 15-20A-42.

4 "(f) Any person who knowingly fails to provide the
5 required registration information, or who knowingly provides
6 false information, pursuant to this section shall be guilty of
7 a Class C felony.

8 "§15-20A-8.

9 "(a) All of the following registration information
10 shall be provided on the public registry website maintained by
11 the ~~Department of Public Safety~~ Alabama State Law Enforcement
12 Agency and may be provided on any community notification
13 documents:

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

16 "(2) Address of each residence.

17 "(3) Address of any school the sex offender attends
18 or will attend. For purposes of this subdivision, a school
19 includes an educational institution, public or private,
20 including a secondary school, a trade or professional school,
21 or an institution of higher education.

22 "(4) Address of any employer where the sex offender
23 works or will work, including any transient or day laborer
24 information.

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

"(6) A current photograph.

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

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

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

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

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

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

"(2) Social Security number.

"(3) Travel and immigration document numbers.

"(4) Victim identity.

"(5) Internet identifiers.

"(c) Any other required registration information may be included on the website as determined by the ~~Director~~ Secretary of the Department of Public Safety Alabama State Law Enforcement Agency.

1 "(d) All information shall immediately be posted on
2 the public registry website upon receipt of the information by
3 the ~~Department of Public Safety~~ Alabama State Law Enforcement
4 Agency.

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

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

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

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

19 "§15-20A-9.

20 "(a) At least 30 days prior to release, or
21 immediately upon notice of release if release is less than 30
22 days, of an adult sex offender from the county jail, municipal
23 jail, Department of Corrections, or any other facility that
24 has incarcerated the adult sex offender, or immediately upon

1 conviction, if the adult sex offender is not incarcerated, ~~the~~
2 ~~responsible agency shall:~~

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

14 "(2) If the adult sex offender declares his or her
15 intent to reside within this state, the responsible agency
16 shall immediately notify and provide the required registration
17 information to the ~~Department of Public Safety~~ Alabama State
18 Law Enforcement Agency, the Attorney General, the district
19 attorney in the county of conviction, and local law
20 enforcement where the adult sex offender intends to reside.
21 The notification shall also include any other information
22 available to the responsible agency which would be necessary
23 to identify and trace the adult sex offender, including, but
24 not limited to, each sex offense history or a copy of the

1 pre-sentence investigation of the sex offense and the release
2 date of the adult sex offender.

3 "(3) If the adult sex offender declares his or her
4 intent to reside outside of the state, the responsible agency
5 shall immediately notify and provide the required registration
6 information to the ~~Department of Public Safety~~ Alabama State
7 Law Enforcement Agency, the Attorney General, the district
8 attorney in the county of conviction, and the designated state
9 law enforcement agency of the state to which the adult sex
10 offender has declared his or her intent to reside. The
11 notification shall also include any other information
12 available to the responsible agency which would be necessary
13 to identify and trace the adult sex offender, including, but
14 not limited to, each sex offense history or a copy of the
15 pre-sentence investigation of the sex offense and the release
16 date of the sex offender.

17 "(4) If an adult sex offender is not able to provide
18 a residence prior to the time of release, then the responsible
19 agency shall notify the sheriff of the county where the last
20 conviction for a sex offense or violation of this chapter took
21 place at least five days prior to the release of the adult sex
22 offender. Upon notice of the release date from the responsible
23 agency, the sheriff of the county of the last conviction for a
24 sex offense or a violation of this chapter shall make
25 arrangements to have the adult sex offender immediately

1 remanded to his or her custody to register in accordance with
2 Section 15-20A-10 at the time of release.

3 "(5) Any adult sex offender who is due to be
4 released due to the expiration of his or her sentence and who
5 refuses to provide the required registration information shall
6 be treated as follows:

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

23 "b. If the adult sex offender has accumulated
24 correctional incentive time pursuant to Section 14-9-41 or any
25 other law, the adult sex offender shall be charged with

1 non-compliance with this section and shall not be allowed
2 early release, but instead shall forfeit all correctional
3 incentive time that has accrued pursuant to Section 14-9-41,
4 or other good time allowed by law.

5 "(b) An adult sex offender who knowingly fails to
6 comply with this section by failing to provide the required
7 registration information shall be guilty of a Class C felony.

8 "§15-20A-10.

9 "(a) (1) Immediately upon release from incarceration,
10 or immediately upon conviction if the adult sex offender is
11 not incarcerated, the adult sex offender shall appear in
12 person and register all required registration information with
13 local law enforcement in each county in which the adult sex
14 offender resides or intends to reside, accepts or intends to
15 accept employment, and begins or intends to begin school
16 attendance.

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

21 "(b) Immediately upon establishing a new residence,
22 accepting employment, or beginning school attendance, the
23 adult sex offender shall appear in person to register with
24 local law enforcement in each county in which the adult sex

1 offender establishes a residence, accepts employment, or
2 begins school attendance.

3 "(c) (1) Immediately upon transferring or terminating
4 any residence, employment, or school attendance, the adult sex
5 offender shall appear in person to notify local law
6 enforcement in each county in which the adult sex offender is
7 transferring or terminating residence, employment, or school
8 attendance.

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

21 "(d) Immediately upon any name change, the adult sex
22 offender shall immediately appear in person to update the
23 information with local law enforcement in each county in which
24 the adult sex offender is required to register.

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

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

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

1 adult sex offender and that the adult sex offender refused to
2 sign.

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

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

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

13 "§15-20A-11.

14 "(a) No adult sex offender shall establish a
15 residence, maintain a residence after release or conviction,
16 or establish any other living accommodation within 2,000 feet
17 of the property on which any school, or childcare facility, or
18 resident camp facility is located unless otherwise exempted
19 pursuant to Sections 15-20A-23 and 15-20A-24. For the purposes
20 of this section, a resident camp facility includes any place,
21 area, parcel, or tract of land which contains permanent or
22 semi-permanent facilities for sleeping owned by a business,
23 church, or nonprofit organization used primarily for the
24 educational, recreational, or religious purposes for minors
25 and the location of the resident camp has been provided to

1 local law enforcement. Resident camp does not include a
2 private residence, farm, hunting, or fishing camp.

3 "(b) No adult sex offender shall establish a
4 residence, maintain a residence after release or conviction,
5 or establish any other living accommodation within 2,000 feet
6 of the property on which his or her former victim, or an
7 immediate family member of the victim, resides unless
8 otherwise exempted pursuant to Section 15-20A-24 or Section
9 15-20A-16.

10 "(c) Changes to property within 2,000 feet of a
11 registered address of an adult sex offender which occur after
12 the adult sex offender establishes residency shall not form
13 the basis for finding that the adult sex offender is in
14 violation of this section unless the sex offender has been
15 released or convicted of a new offense after establishing
16 residency.

17 "(d) No adult sex offender shall establish or
18 maintain a residence or any other living accommodation with a
19 minor. For the purpose of this subsection, living
20 accommodation includes, but is not limited to, any overnight
21 visit with a minor. Notwithstanding the foregoing, an adult
22 sex offender may reside with a minor if the adult sex offender
23 is the parent, grandparent, stepparent, sibling, or
24 stepsibling of the minor, unless one of the following
25 conditions applies:

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

4 "(2) The adult sex offender has been convicted of
5 any sex offense in which any of the minor children,
6 grandchildren, stepchildren, siblings, or stepsiblings of the
7 adult sex offender was the victim.

8 "(3) The adult sex offender has been convicted of
9 any sex offense in which a minor was the victim and the minor
10 resided or lived with the adult sex offender at the time of
11 the offense.

12 "(4) The adult sex offender has been convicted of
13 any sex offense involving a child, regardless of whether the
14 adult sex offender was related to or shared a residence with
15 the child victim.

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

19 "(e) Notwithstanding any other provision of law
20 regarding establishment of residence, an adult sex offender
21 shall be deemed to have established a residence in any of the
22 following circumstances:

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

1 "(2) Wherever an adult sex offender resides
2 following release, regardless of whether the adult sex
3 offender resided at the same location prior to the time of
4 conviction.

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

8 "(4) Whenever an adult sex offender vacates his or
9 her residence or fails to spend three or more consecutive days
10 at his or her residence without previously notifying local law
11 enforcement or obtaining a travel permit pursuant to Section
12 15-20A-15.

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

19 "(g) For the purposes of this section, the
20 2,000-foot measurement shall be taken in a straight line from
21 nearest property line to nearest property line.

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

24 "§15-20A-12.

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

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

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

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

25 "a. Name.

1 "b. Date of birth.

2 "c. Social Security number.

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

5 "e. A list of the locations where he or she plans to
6 reside in the upcoming week with as much specificity as
7 possible.

8 "(2) The registering agency is not required to
9 obtain the remaining required registration information from
10 the homeless adult sex offender each time he or she reports to
11 the registering agency unless the homeless adult sex offender
12 has any changes to the remaining required registration
13 information.

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

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

21 "\$15-20A-13.

22 "(a) No adult sex offender shall apply for, accept,
23 or maintain employment or vocation or volunteer at any school,
24 childcare facility, mobile vending business that provides

1 services primarily to children, or any other business or
2 organization that provides services primarily to children.

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

8 "(c) No adult sex offender, after having been
9 convicted of a sex offense involving a child, shall apply for,
10 accept, or maintain employment or vocation or volunteer for
11 any employment or vocation within 500 feet of a playground,
12 park, athletic field or facility, or any other business or
13 facility having a principal purpose of caring for, educating,
14 or entertaining minors.

15 "(d) Changes to property within 2,000 feet of an
16 adult sex offender's place of employment which occur after an
17 adult sex offender accepts employment shall not form the basis
18 for finding that an adult sex offender is in violation of this
19 section.

20 "(e) It shall be unlawful for the owner or operator
21 of any childcare facility or any other organization that
22 provides services primarily to children to knowingly employ or
23 accept volunteer services from an adult sex offender.

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

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

6 "\$15-20A-14.

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

14 "(b) Any adult sex offender who enters this state to
15 accept employment, carry on a vocation, or become a student
16 ~~and who has not established a residence in this state~~ shall
17 immediately appear in person and register all required
18 registration information with local law enforcement in the
19 county where the adult sex offender accepts employment,
20 carries on a vocation, or becomes a student.

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

24 "(d) Within 30 days of initial registration, the
25 adult sex offender shall provide each registering agency with

1 a certified copy of his or her sex offense conviction;
2 however, an adult sex offender shall be exempt from this
3 subsection if the adult sex offender provides adequate
4 documentation that the certified record is no longer available
5 or has been destroyed.

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

8 "\$15-20A-15.

9 "(a) ~~If Prior to~~ an adult sex offender ~~intends to~~
10 temporarily ~~be away~~ leaving from his or her county of
11 residence for a period of three or more consecutive days, the
12 adult sex offender shall report such information in person
13 immediately prior to leaving his or her county of residence
14 for such travel to ~~local law enforcement~~ the sheriff in each
15 county of residence.

16 "(b) The adult sex offender shall complete a travel
17 permit form immediately prior to travel and provide the dates
18 of travel and temporary lodging information.

19 "(c) If a sex offender intends to travel to another
20 country, he or she shall report in person ~~local law~~
21 ~~enforcement~~ the sheriff in each county of residence at least
22 21 days prior to such travel. Any information reported to
23 ~~local law enforcement~~ the sheriff in each county of residence
24 shall immediately be reported to the United States Marshals

1 Service and the ~~Department of Public Safety~~ Alabama State Law
2 Enforcement Agency.

3 "(d) The travel permit shall explain the duties of
4 the adult sex offender regarding travel. The adult sex
5 offender shall sign the travel permit stating that he or she
6 understands the duties required of him or her. If the adult
7 sex offender refuses to sign the travel permit form, the
8 travel permit shall be denied.

9 "(e) The sheriff in each county of residence shall
10 immediately notify local law enforcement in the county or the
11 jurisdiction to which the adult sex offender will be
12 traveling.

13 "(f) Upon return to the county of residence, the
14 adult sex offender shall immediately report to ~~local law~~
15 ~~enforcement~~ the sheriff in each county of residence.

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

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

20 "§15-20A-16.

21 "(a) No adult sex offender shall contact, directly
22 or indirectly, in person or through others, by phone, mail, or
23 electronic means, any former victim. No sex offender shall
24 make any harassing communication, directly or indirectly, in

1 person or through others, by phone, mail, or electronic means
2 to the victim or any immediate family member of the victim.

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

5 "(c) Notwithstanding subsections (a) and (b), a
6 petition to exclude an adult sex offender from the
7 requirements of this section and Section 15-20A-11(b) may be
8 filed in accordance with the requirements of Section
9 15-20A-24(c). The court shall conduct a hearing and may
10 exclude an adult sex offender from the provisions of this
11 section provided that:

12 "(1) The victim appears in court at the time of the
13 hearing and requests the exemption in writing.

14 "(2) The victim is over the age of 19 at the time of
15 the request.

16 "(3) The sex offense is an offense included in
17 Sections 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67, of if the
18 crime was committed in this state or any other jurisdiction
19 which, if had been committed in this state under the current
20 provisions of law, would constitute an offense listed in
21 Sections 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67.

22 "(4) The district attorney or prosecuting attorney
23 shall be notified of the hearing and shall have the right to
24 be present and heard.

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

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

8 "§15-20A-17.

9 "(a) (1) No adult sex offender, after having been
10 convicted of a sex offense involving a minor, shall loiter on
11 or within 500 feet of the property line of any property on
12 which there is a school, childcare facility, playground, park,
13 athletic field or facility, school bus stop, college or
14 university, or any other business or facility having a
15 principal purpose of caring for, educating, or entertaining
16 minors.

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

1 or manager of the premises, a principal, teacher, or school
2 bus driver if the premises is a school, childcare facility, or
3 bus stop, a coach, if the premises is an athletic field or
4 facility, or any person designated with that authority.

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

10 "(b) (1) No adult sex offender, after having been
11 convicted of a sex offense involving a minor, shall enter onto
12 the property of a K-12 school while school is in session or
13 attend any K-12 school activity unless the adult sex offender
14 does all of the following:

15 "a. Notifies the principal of the school, or his or
16 her designee, before entering onto the property or attending
17 the K-12 school activity.

18 "b. Immediately reports to the principal of the
19 school, or his or her designee, upon entering the property or
20 arriving at the K-12 school activity.

21 "c. Complies with any procedures established by the
22 school to monitor the whereabouts of the sex offender for the
23 duration of his or her presence on the school property or
24 attendance at the K-12 school activity. For a public K-12

1 school, the local school board shall adopt a policy to
2 effectuate this section.

3 "(2) Procedures established to effectuate this
4 subsection are limited to rules that allow the principal of
5 the school, or his or her designee, to discreetly monitor the
6 adult sex offender.

7 "(3) For the purposes of this subsection, a K-12
8 school activity is an activity sponsored by a school in which
9 students in grades K-12 are the primary intended participants
10 or for whom students in grades K-12 are the primary intended
11 audience including, but not limited to, school instructional
12 time, after school care, after school tutoring, athletic
13 events, field trips, school plays, or assemblies.

14 "(c) Any person who knowingly violates subsection
15 (a) or subsection (b) shall be guilty of a Class C felony.

16 "§15-20A-18.

17 "(a) Every adult sex offender who is a resident of
18 this state shall obtain, and always have in his or her
19 possession, a valid driver license or identification card
20 issued by the ~~Department of Public Safety~~ Alabama State Law
21 Enforcement Agency. If any adult sex offender is ineligible to
22 be issued a driver license or official identification card,
23 the ~~Department of Public Safety~~ Alabama State Law Enforcement
24 Agency shall provide the adult sex offender some other form of
25 identification card or documentation that, if it is kept in

1 the possession of the adult sex offender, shall satisfy the
2 requirements of this section. If any adult sex offender is
3 determined to be indigent, an identification card, or other
4 form of identification or documentation that satisfies the
5 requirements of this section, shall be issued to the adult sex
6 offender at no cost. Indigence shall be determined by order of
7 the court prior to each issuance of a driver license or
8 identification card.

9 "(b) The adult sex offender shall ~~immediately~~ obtain
10 a valid driver license or identification card ~~upon~~ bearing a
11 designation that enables law enforcement officers to identify
12 the licensee as a sex offender within 14 days of his or her
13 initial registration following release, initial registration
14 upon entering the state to become a resident, or immediately
15 following his or her next registration after July 1, 2011.

16 "(c) Whenever the ~~Department of Public Safety~~
17 Alabama State Law Enforcement Agency issues or renews a driver
18 license or identification card to an adult sex offender, the
19 driver license or identification card shall bear a designation
20 that enables law enforcement officers to identify the licensee
21 as a sex offender.

22 "(d) Upon obtaining or renewing a driver license or
23 identification card bearing a designation that enables law
24 enforcement officers to identify the licensee as a sex
25 offender, the adult sex offender shall relinquish to the

1 ~~Department of Public Safety~~ Alabama State Law Enforcement
2 Agency any other driver license or identification card
3 previously issued to him or her which does not bear any
4 designation enabling law enforcement officers to identify the
5 licensee as a sex offender.

6 "(e) No adult sex offender shall mutilate, mar,
7 change, reproduce, alter, deface, disfigure, or otherwise
8 change the form of any driver license or identification card
9 which is issued to the adult sex offender and which bears any
10 designation enabling law enforcement officers to identify the
11 licensee as a sex offender. An adult sex offender having in
12 his or her possession a driver license or identification card
13 issued to him or her by the ~~Department of Public Safety~~
14 Alabama State Law Enforcement Agency bearing any designation
15 enabling law enforcement officers to identify the licensee as
16 a sex offender which has been mutilated, marred, changed,
17 reproduced, altered, defaced, disfigured, or otherwise changed
18 shall be prima facie evidence that he or she has violated this
19 section.

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

22 "§15-20A-20.

23 "(a) The Alabama Criminal Justice Information Center
24 shall implement a system of active and passive electronic
25 monitoring that identifies the location of a monitored person

1 and that can produce upon request reports or records of the
2 person's presence near or within a crime scene or prohibited
3 area, the person's departure from specified geographic
4 limitations, or curfew violations by the offender. The
5 Director of the Criminal Justice Information Center may
6 promulgate any rules as are necessary to implement and
7 administer this system of active electronic monitoring
8 including establishing policies and procedures to notify the
9 person's probation and parole officer or other court-appointed
10 supervising authority when a violation of his or her
11 electronic monitoring restrictions has occurred.

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

19 "(c) Any person designated a sexually violent
20 predator pursuant to Section 15-20A-19, upon release from
21 incarceration, shall be subject to electronic monitoring
22 supervised by the Board of Pardons and Paroles, as provided in
23 subsection (a), for a period of no less than 10 years from the
24 date of the sexually violent predator's release. This
25 requirement shall be imposed by the sentencing court as a part

1 of the sentence of the sexually violent predator in accordance
2 with subsection (c) of Section 13A-5-6.

3 "(d) Any person convicted of a Class A felony sex
4 offense involving a child as defined in Section 15-20A-4, upon
5 release from incarceration, shall be subject to electronic
6 monitoring supervised by the Board of Pardons and Paroles, as
7 provided in subsection (a), for a period of no less than 10
8 years from the date of the sex offender's release. This
9 requirement shall be imposed by the sentencing court as a part
10 of the sex offender's sentence in accordance with subsection
11 (c) of Section 13A-5-6.

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

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

24 "(g) It shall constitute a Class C felony for any
25 person to knowingly alter, disable, deactivate, tamper with,

1 remove, damage, or destroy any device used to facilitate
2 electronic monitoring under this section.

3 "(h) The procurement of any product or services
4 necessary for compliance with Act 2005-301, including any
5 system of electronic monitoring, any equipment, and the
6 building of a website, shall be subject to the competitive bid
7 process.

8 "§15-20A-21.

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

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

21 "(2) In all other cities in Alabama with a resident
22 population of 5,000 or more, the chief of police, or if none,
23 then the sheriff of the county, shall notify all persons who
24 have a legal residence within 1,500 feet of the declared
25 residence of the adult sex offender and all schools and

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

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

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

1 "(c) Nothing in this chapter shall be construed as
2 prohibiting the ~~Director~~ Secretary of the ~~Department of Public~~
3 ~~Safety~~ Alabama State Law Enforcement Agency, a sheriff, or a
4 chief of police from providing community notification under
5 the provisions of this chapter by regular mail,
6 electronically, or by publication or periodically to persons
7 whose legal residence is within the guidelines of this chapter
8 or more than the applicable distance from the residence of an
9 adult sex offender.

10 "(d) When an adult sex offender declares that he or
11 she is homeless, notification shall be provided by posting a
12 copy of the notice in a prominent place at the office of the
13 sheriff and at the police station closest to the declared
14 residence of the released adult sex offender, publicizing the
15 notice in a local newspaper, or posting the notice
16 electronically, including the Internet or other means
17 available.

18 "\$15-20A-22.

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

24 "(b) Each time an adult sex offender terminates his
25 or her residence and establishes a new residence, he or she

1 shall pay a registration fee in the amount of ten dollars
2 (\$10) to each registering agency where the adult sex offender
3 establishes a new residence.

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

18 "(d) (1) The fees collected under this section shall
19 be appropriated to the registering agency to defray the costs
20 of associated with sex offender registration, verification,
21 and notification.

22 "(2) Any and all registration fees collected by the
23 sheriff, or his or her designee, shall be deposited in the
24 county general fund earmarked for use of the sheriff and shall
25 be paid to the sheriff upon his or her request to be used at

1 the discretion of the sheriff for any law enforcement purpose
2 related to sex offender registration, notification, tracking
3 or apprehension.

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

8 "(4) Any and all registration fees collected by a
9 chief of police, or his or her designee, shall be deposited
10 into the municipal general fund and made available to the
11 affected law enforcement agency or department upon requisition
12 of the chief law enforcement official of such agency or
13 department and shall be used for any lawful purpose related to
14 sex offender registration, notification, tracking or
15 apprehension.

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

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

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

3 "§15-20A-23.

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

11 "(b) A petition for relief pursuant to this section
12 shall be filed in the civil division of the circuit court of
13 the county in which the sex offender seeks relief from the
14 residency restriction.

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

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

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

22 "(3) Local law enforcement where the sex offender
23 was adjudicated or convicted if the sex offender was
24 adjudicated or convicted in this state.

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

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

5 "(1) A certified copy of the adjudication or
6 conviction requiring registration, including a detailed
7 description of the sex offense.

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

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

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

16 "(5) A release allowing the prosecuting attorney or
17 the court to obtain any other medical records or documentation
18 relevant to the petition.

19 "(6) Any other information requested by the court
20 relevant to the petition.

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

1 "(f) The court shall hold a hearing within 30 days
2 of the filing of the petition. Upon request of the prosecuting
3 attorney, and for good cause shown, the hearing may be
4 continued to allow the prosecuting attorney to obtain any
5 relevant records pertinent to the hearing. At the hearing the
6 prosecuting attorney and the victim shall have the opportunity
7 to be heard.

8 "(g) The court may issue an order releasing the sex
9 offender from ~~any of~~ the residency restrictions pursuant to
10 subsection (a) of Section 15-20A-11 if the court finds by
11 clear and convincing evidence that the sex offender does not
12 pose a substantial risk of perpetrating any future dangerous
13 sexual offense or that the sex offender is not likely to
14 reoffend. The court may relieve a sex offender from any
15 residency restrictions indefinitely or for a specific period
16 of time.

17 "(h) The court shall send a copy of any order
18 releasing a sex offender from ~~any~~ residency restrictions
19 pursuant to subsection (a) of Section 15-20A-11 to the
20 prosecuting attorney and the ~~Department of Public Safety~~
21 Alabama State Law Enforcement Agency.

22 "(i) If the court finds that the sex offender still
23 poses a risk, has provided false or misleading information in
24 support of the petition, or failed to serve the petition and

1 supporting documentation upon the parties as provided for in
2 subsection (c), then the petition shall be denied.

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

8 "(k) If at any time the sex offender is no longer
9 terminally ill, ~~or~~ permanently immobile, or no longer suffers
10 from a debilitating medical condition requiring substantial
11 care or supervision or no longer requires placement in a
12 residential health care facility, the sex offender shall
13 immediately register in person with local law enforcement in
14 each county of residence and update all required registration
15 information.

16 "(l) No sex offender petitioning the court under
17 this section for an order terminating the sex offender's
18 obligation to comply with the residency restrictions is
19 entitled to publicly funded experts or publicly funded
20 witnesses.

21 "(m) The state may petition the court to reinstate
22 the restrictions pursuant to subsection (a) of Section
23 15-20A-11 for good cause shown.

24 "(n) Notwithstanding any state or local rule
25 assigning costs and fees for filing and processing civil and

1 criminal cases, a petition ~~filed 30 or more days after~~
2 ~~sentencing~~ shall be assessed a filing fee in the amount of two
3 hundred dollars (\$200) to be distributed as provided in
4 Section 15-20A-46.

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

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

11 "\$15-20A-24.

12 "(a) At disposition, sentencing, upon completion of
13 probation, or upon completion of a term of registration
14 ordered by the sentencing court, a sex offender may petition
15 the ~~sentencing~~ court for relief from registration and
16 notification resulting from any of the following offenses,
17 provided that he or she meets the requirements set forth in
18 subsection (b):

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

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

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

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

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

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

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

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

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

"(3) At the time of the commission of the sex offense, the sex offender was ~~not more than~~ less four than five years older than the victim.

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

"(1) If the adult or youthful offender sex offender was adjudicated or convicted in this state, the petition for relief shall be filed in the ~~sentencing court~~ civil division

1 of the circuit court where the adult or youthful offender sex
2 offender was adjudicated or convicted.

3 "(2) If the adult or youthful offender sex offender
4 was adjudicated or convicted in a jurisdiction outside of this
5 state, the petition for relief shall be filed in the
6 ~~appropriate court of this state with similar jurisdiction~~
7 civil division of the circuit court in the county in which the
8 adult or youthful offender sex offender resides.

9 "(3) If the juvenile sex offender was adjudicated in
10 this state, the petition for relief shall be filed in the
11 juvenile court.

12 "(4) If the juvenile sex offender was adjudicated in
13 a jurisdiction outside of this state, the petition for relief
14 shall be filed in the juvenile court in the county in which
15 the juvenile sex offender resides.

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

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

21 "b. The prosecuting attorney of the county where the
22 sex offender resides.

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

1 "d. Local law enforcement where the adult sex
2 offender resides.

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

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

8 "(1) The offense that the sex offender was initially
9 charged with and the offense that the sex offender was
10 adjudicated or convicted of, if different.

11 "(2) A certified copy of the adjudication or
12 conviction requiring registration including a detailed
13 description of the sex offense, if the petition is filed upon
14 completion of probation or a term of registration.

15 "(3) Proof of the age of the victim and the age of
16 the sex offender at the time of the commission of the sex
17 offense.

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

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

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

3 "(f) 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 "(g) 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 "(h) In determining whether to grant relief, the
12 court may consider any of the following:

13 "(1) Recommendations from the sex offender's
14 probation officer, including, but not limited to, the
15 recommendations in the presentence investigation report and
16 the sex offender's compliance with supervision requirements.

17 "(2) Recommendations from the prosecuting attorney.

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

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

22 "(5) The relationship of the parties.

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

24 "(7) The protection of society.

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

3 "(i) The court may grant full or partial relief from
4 this chapter. If the court grants relief, the court shall
5 enter an order detailing the relief granted and provide a copy
6 of the order to the prosecuting attorney and the ~~Department of~~
7 ~~Public Safety~~ Alabama State Law Enforcement Agency.

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

11 "(k) A sex offender is not eligible for relief under
12 this section if he or she was adjudicated or convicted of a
13 sex offense previous to or subsequent to the offense of which
14 he or she is petitioning the court for relief or has any
15 pending criminal charges for any sex offense.

16 "(l) If a sex offender was adjudicated or convicted
17 of any of the offenses specified in subsection (a) prior to
18 July 1, 2011, and meets the eligibility requirements specified
19 in subsection (b), except as otherwise provided for in
20 subsection (k), the sex offender may petition the court for
21 relief pursuant to this section.

22 "(m) Notwithstanding any state or local law or rule
23 assigning costs and fees for filing and processing civil and
24 criminal cases, except when this relief is sought at the time
25 of sentencing or disposition, a petition ~~filed 30 or more days~~

1 ~~after sentencing~~ shall be assessed a filing fee in the amount
2 of two hundred dollars (\$200) to be distributed as provided in
3 Section 15-20A-46.

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

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

10 "§15-20A-25.

11 "(a) A sex offender may petition at sentencing, or
12 if after sentencing, a sex offender may file a petition in the
13 civil division of the circuit court in the county where the
14 sex offender seeks to accept or maintain employment for relief
15 from the employment restrictions pursuant to subsection (b) of
16 Section 15-20A-13. A sex offender adjudicated or convicted of
17 any of the following sex offenses shall not be entitled to
18 relief under this section:

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

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

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

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

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

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

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

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

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

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

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

20 "c. Local law enforcement where the sex offender was
21 adjudicated or convicted, if the sex offender was adjudicated
22 or convicted in this state.

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

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

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

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

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

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

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

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

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

23 "(d) Upon notification of the petition, the
24 prosecuting attorney shall make reasonable efforts to notify
25 the victim of the crime for which the sex offender is required

1 to register of the petition and the dates and times of any
2 hearings or other proceedings in connection with the petition.

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

6 "(f) The court may consider any of the following
7 factors in determining whether to grant relief:

8 "(1) The nature of the offense.

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

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

12 "(4) Any other information deemed relevant by the
13 court.

14 "(g) If the court grants the petition, the court
15 shall enter an order detailing the relief granted and provide
16 a copy of the order to the prosecuting attorney where the
17 petition was filed and to the ~~Department of Public Safety~~
18 Alabama State Law Enforcement Agency.

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

1 "(i) The state may petition the court to reinstate
2 the restrictions pursuant to subsection (b) of Section
3 15-20A-13 for good cause shown.

4 "(j) 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, a petition ~~filed 30 or more days after~~
8 ~~sentencing~~ shall be assessed a filing fee in the amount of two
9 hundred dollars (\$200) to be distributed as provided in
10 Section 15-20A-46.

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

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

17 "\$15-20A-26.

18 "(a) Upon adjudication of delinquency for a sex
19 offense, a juvenile sex offender shall be required to receive
20 sex offender treatment by a sex offender treatment program or
21 provider approved by the Department of Youth Services.

22 "(b) Upon completion of sex offender treatment, the
23 juvenile sex offender shall be required to undergo a sex
24 offender risk assessment. The treatment provider shall provide
25 a copy of the risk assessment to the sentencing court, the

1 prosecuting attorney, and the juvenile probation ~~officer~~
2 office not less than 60 days prior to the projected release of
3 the juvenile sex offender from a facility where the juvenile
4 sex offender does not have unsupervised access to the public
5 or immediately upon completion of the risk assessment if the
6 juvenile sex offender is not in a facility where the juvenile
7 sex offender does not have unsupervised access to the public.

8 "(c) Upon receiving the risk assessment, the
9 juvenile probation ~~officer~~ office shall ~~immediately notify~~
10 provide a copy of the risk assessment to the state and either
11 the attorney for the juvenile sex offender and either or the
12 parent, guardian, or custodian of the juvenile sex offender of
13 the pending release of the juvenile sex offender and provide
14 them with a copy of the risk assessment. In addition, the
15 juvenile probation office shall immediately notify the
16 attorney for the juvenile sex offender and either the parent,
17 guardian, or custodian of the pending release of the juvenile
18 sex offender from a facility where the juvenile sex offender
19 does not have unsupervised access to the public.

20 "(d) Within 60 days of receiving the risk
21 assessment, the court shall conduct a hearing to determine the
22 risk of the juvenile sex offender to the community and the
23 level of notification that shall apply.

24 "(e) No juvenile sex offender shall be removed from
25 the supervision of the sentencing court until such time as the

1 juvenile sex offender has completed treatment, the treatment
2 provider has filed a risk assessment with the sentencing
3 court, and the sentencing court has conducted a hearing to
4 determine the risk of the juvenile sex offender to the
5 community and the level of notification that shall apply.

6 "§15-20A-28.

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

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

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

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

17 "(4) Sexual torture, as provided by Section
18 13A-6-65.1.

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

23 "(6) Any offense, committed in this state or any
24 other jurisdiction, comparable to or more severe than

1 aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or
2 (b) .

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

5 "(b) A juvenile sex offender subject to lifetime
6 registration may petition the sentencing juvenile court for
7 relief from registration and notification, if notification was
8 ordered, 25 years after the juvenile sex offender is released
9 from the offense subjecting the juvenile sex offender to
10 registration in accordance with this chapter, pursuant to
11 Section 15-20A-34.

12 "(c) A juvenile sex offender who ~~has been~~
13 ~~adjudicated delinquent of any sex offense, excluding those~~
14 ~~listed in~~ is not subject to lifetime registration pursuant to
15 subsection (a), shall be subject to this chapter for a period
16 of 10 years from the last date of release from the offense
17 subjecting the juvenile sex offender to registration in
18 accordance with this chapter.

19 "(d) If a juvenile sex offender required to register
20 under this chapter is civilly committed, hospitalized, or
21 re-incarcerated for another offense or, as the result of
22 having violated the terms of probation, parole, or aftercare,
23 fails to register or fails to comply with the requirements of
24 this act, the registration requirements and the remaining
25 period of time for which the juvenile sex offender shall

1 register shall be tolled during the period of commitment,
2 hospitalization, re-incarceration, or noncompliance.

3 "(e) The sentencing court or the juvenile court
4 where the juvenile sex offender resides, if the juvenile sex
5 offender's adjudication of delinquency occurred in another
6 jurisdiction, may give a juvenile sex offender credit for the
7 time the juvenile sex offender was registered in another
8 jurisdiction.

9 "(f) A juvenile sex offender who is subsequently
10 adjudicated as a youthful offender sex offender or convicted
11 of another sex offense during his or her registration period
12 shall be considered solely an adult sex offender.

13 "\$15-20A-27.

14 "(a) In determining whether to apply notification
15 requirements to a juvenile sex offender, the sentencing court
16 shall consider any of the following factors relevant to the
17 risk of re-offense:

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

1 "(14) Any other factors deemed relevant by the
2 court.

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

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

23 "(2) If the risk of re-offense is moderate,
24 notification that the juvenile sex offender will be
25 establishing, or has established, his or her residence shall

1 be provided by local law enforcement to all schools and
2 childcare facilities within three miles of the declared
3 residence of the juvenile sex offender. A community
4 notification flyer shall be mailed by regular mail or hand
5 delivered to all schools or childcare facilities as required
6 by this subsection. No other method may be used to disseminate
7 this information.

8 "(3) If the risk of re-offense is high, the public
9 shall receive notification as though the juvenile sex offender
10 were an adult sex offender in accordance with Section
11 15-20A-21.

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

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

20 "§15-20A-29.

21 "(a) Prior to the release of a juvenile sex
22 offender, the following shall apply:

23 "(1) The ~~responsible agency shall require the~~
24 juvenile sex offender and the parent, custodian, or guardian

1 of the juvenile sex offender shall provide the required
2 registration information to the responsible agency.

3 "(2) If the juvenile sex offender or the parent,
4 guardian, or custodian of the juvenile sex offender declares a
5 residence outside of the state, the responsible agency shall
6 immediately notify the ~~Department of Public Safety~~ Alabama
7 State Law Enforcement Agency and the designated state law
8 enforcement agency of the state to which the juvenile sex
9 offender or the parent, guardian, or custodian of the juvenile
10 sex offender has declared the residence. The notification
11 shall include all information available to the responsible
12 agency that would be necessary to identify and trace the
13 juvenile sex offender, including, but not limited to, the risk
14 assessment and a current photograph of the juvenile sex
15 offender.

16 "(3) If the juvenile sex offender or the parent,
17 guardian, or custodian of the juvenile sex offender declares a
18 residence within this state, the responsible agency shall
19 immediately notify the ~~Department of Public Safety~~ Alabama
20 State Law Enforcement Agency, and local law enforcement in
21 each county, in which the juvenile sex offender or the parent,
22 guardian, or custodian of the juvenile sex offender has
23 declared the residence. The notification shall include all
24 information available to the responsible agency that would be
25 necessary to identify and trace the juvenile sex offender,

1 including, but not limited to, the risk assessment and a
2 current photograph of the juvenile sex offender.

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

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

10 "§15-20A-30.

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

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

24 "(c) If the parent, custodian, or guardian of a
25 juvenile sex offender transfers or terminates the residence of

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

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

12 "(e) A juvenile sex offender required to register
13 for life pursuant to Section 15-20A-28 shall appear in person
14 with his or her parent, custodian, or guardian to verify all
15 required registration information during the birth month of
16 the juvenile sex offender and every three months thereafter
17 with the local law enforcement in each county of residence
18 unless the juvenile sex offender has been relieved from
19 registration requirements pursuant to Section 15-20A-34.

20 "(f) A juvenile sex offender required to register
21 for 10 years pursuant to Section 15-20A-28 shall appear in
22 person with his or her parent, custodian, or guardian to
23 verify all required registration information during the birth
24 month of the juvenile sex offender and every year thereafter
25 with local law enforcement in each county of residence unless

1 the juvenile sex offender has been relieved from registration
2 requirements pursuant to Section 15-20A-24.

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

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

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

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 volunteer for any employment or
23 vocation at any school, childcare facility, or any other
24 business or organization that provides services primarily to
25 children.

1 "(b) 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 employ or
 4 accept volunteer services from a juvenile sex offender.

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

7 "\$15-20A-32.

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

1 "(c) Whenever a juvenile sex offender enters this
2 state to establish a residence, he or she shall be subject to
3 the requirements of this chapter as it applies to juvenile sex
4 offenders in this state.

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

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

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

19 "§15-20A-34.

20 "(a) A juvenile sex offender subject to lifetime
21 registration pursuant to Section 15-20A-28 may file a petition
22 requesting the sentencing juvenile court to enter an order
23 relieving the juvenile sex offender of the requirements
24 pursuant to this chapter 25 years after the juvenile sex
25 offender is released from the custody of the Department of

1 Youth Services or sentenced, if the juvenile sex offender was
2 placed on probation, for the sex offense requiring
3 registration pursuant to this chapter.

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

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

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

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

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

18 "b. The prosecuting attorney of the county in which
19 the juvenile sex offender resides.

20 "c. Local law enforcement where the juvenile sex
21 offender was adjudicated delinquent, if the juvenile sex
22 offender was adjudicated delinquent in this state.

23 "d. Local law enforcement where the juvenile sex
24 offender resides.

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

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

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

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

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

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

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

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

"(e) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the offense for which the juvenile sex offender is required to register of the petition and of the dates and

1 times of any hearings or other proceedings in connection with
2 the petition.

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

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

8 "(1) Recommendations from the juvenile sex
9 offender's probation officer, including, but not limited to,
10 the recommendations in the predisposition report and the
11 juvenile sex offender's compliance with supervision
12 requirements.

13 "(2) Recommendations from the juvenile sex
14 offender's treatment provider, including, but not limited to,
15 whether the juvenile sex offender successfully completed a
16 treatment program approved by the Department of Youth
17 Services.

18 "(3) Recommendations from the prosecuting attorney.

19 "(4) Any written or oral testimony submitted by the
20 victim or the parent, custodian, or guardian of the victim.

21 "(5) The facts and circumstances surrounding the
22 offense including, but not limited to, the age and number of
23 victims, whether the act was premeditated, and whether the
24 offense involved the use of a weapon, violence, or infliction
25 of serious bodily injury.

1 "(6) Any criminal behavior of the juvenile sex
2 offender before and after the adjudication of delinquency that
3 requires reporting.

4 "(7) The stability of the juvenile sex offender in
5 employment and housing and his or her community and personal
6 support system.

7 "(8) The protection of society.

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

9 "(h) If the court is satisfied by clear and
10 convincing evidence that the juvenile sex offender is
11 rehabilitated and does not pose a threat to the safety of the
12 public, the court may grant relief.

13 "(i) The court shall provide a copy of any order
14 granting relief to the prosecuting attorney and to the
15 ~~Department of Public Safety~~ Alabama State Law Enforcement
16 Agency.

17 "(j) Upon receipt of a copy of an order granting
18 relief as provided in this section, the ~~Department of Public~~
19 ~~Safety~~ Alabama State Law Enforcement Agency shall remove the
20 juvenile sex offender from the public registry website. If the
21 registering agencies maintain a local registry of sex
22 offenders who are registered with their agencies, the
23 registering agencies shall remove the registration information
24 of the juvenile sex offender from the local sex offender
25 public registry, if notification applied.

1 "(k) If the court denies the petition for relief,
2 the juvenile sex offender shall wait at least 12 months from
3 the date of the order denying the petition before petitioning
4 the court again.

5 "(l) Notwithstanding any state or local law or rule
6 assigning costs and fees for filing and processing civil and
7 criminal cases, the fee for filing the petition for relief
8 shall be two hundred dollars (\$200) to be distributed as
9 provided in Section 15-20A-46.

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

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

16 "\$15-20A-35.

17 "For the purposes of this chapter, a youthful
18 offender sex offender who has not been previously adjudicated
19 or convicted of a sex offense and who has not yet attained the
20 age of 18 at the time of the offense shall be considered a
21 juvenile sex offender. A youthful offender sex offender who
22 has been previously adjudicated or convicted of a sex offense
23 as a juvenile sex offender, youthful offender sex offender, or
24 adult sex offender, or who has attained the age of 18 at the
25 time of the offense shall be treated as an adult sex offender

1 convicted of a sex offense. A youthful offender sex offender
2 who is treated as a juvenile sex offender for purposes of this
3 chapter may not be released from the jurisdiction of the
4 sentencing court until the youthful offender sex offender has
5 undergone sex offender treatment and a risk assessment as
6 required by Section 15-20A-26.

7 "§15-20A-36.

8 "(a) No sex offender shall change his or her name
9 unless the change is incident to a change in the marital
10 status of the sex offender or is necessary to effect the
11 exercise of the religion of the sex offender. Such a change
12 shall be immediately reported to local law enforcement in each
13 county in which the sex offender is required to register. If
14 the sex offender is subject to the notification provisions of
15 this chapter, the reporting of a name change under this
16 section shall invoke notification.

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

19 "§15-20A-37.

20 "(a) When a sex offender declares, and county is
21 notified that a sex offender intends to reside, be employed,
22 or attend school in the county and the sex offender fails to
23 appear for registration ~~upon entering that county as required,~~
24 the county that received the notice shall immediately inform

1 the sheriff of the county that provided the notice that the
2 sex offender failed to appear for registration ~~as required~~.

3 "(b) When a sex offender fails to register or cannot
4 be located, an effort shall immediately be made by the sheriff
5 in the county in which the sex offender failed to register or
6 is unable to be located to determine whether the sex offender
7 has absconded.

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

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

18 "(1) The sheriff of the county in which the sex
19 offender has absconded shall immediately obtain a warrant for
20 the arrest of the sex offender.

21 "(2) The sheriff of the county in which the sex
22 offender has absconded shall immediately notify the United
23 States Marshals Service and the ~~Department of Public Safety~~
24 Alabama State Law Enforcement Agency.

1 "(3) The ~~Department of Public Safety~~ Alabama State
2 Law Enforcement Agency shall immediately update its public
3 registry website to reflect that the sex offender has
4 absconded.

5 "(4) The ~~Department of Public Safety~~ Alabama State
6 Law Enforcement Agency shall immediately notify the Criminal
7 Justice Information Center, who shall immediately notify the
8 National Criminal Information Center.

9 "(5) The ~~Department of Public Safety~~ Alabama State
10 Law Enforcement Agency shall immediately notify the National
11 Sex Offender Registry to reflect that the sex offender has
12 absconded and enter the information into the National Crime
13 Center Wanted Person File.

14 "(e) A sex offender who knowingly fails to appear
15 for registration after declaring his or her intent to reside,
16 be employed, or attend school in a county without notifying
17 local law enforcement in that county that he or she will no
18 longer establish a residence, maintain employment, or attend
19 school, shall be guilty of a Class C felony.

20 "§15-20A-38.

21 "(a) If a sex offender escapes from a state or local
22 correctional facility, juvenile detention facility, or any
23 other facility that would not permit unsupervised access to
24 the public, the responsible agency, within 24 hours, shall
25 notify the ~~Department of Public Safety~~ Alabama State Law

1 Enforcement Agency, local law enforcement who had jurisdiction
2 at the time of adjudication or conviction of the sex offense,
3 the sheriff of the county and each chief of police of every
4 municipality in the county where the sex offender escaped, and
5 the United States Marshals Service.

6 "(b) The responsible agency shall provide each law
7 enforcement agency listed in subsection (a) with the following
8 information:

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

10 "(2) The amount of time remaining to be served by
11 the sex offender.

12 "(3) The nature of the crime for which the sex
13 offender was incarcerated.

14 "(4) A copy of the fingerprints and current
15 photograph of the sex offender and a summary of the criminal
16 record of the sex offender.

17 "§15-20A-39.

18 "(a) A person is guilty of the crime of harboring,
19 assisting, concealing, or withholding information about a sex
20 offender if the person has knowledge or reason to believe that
21 a sex offender is required to register ~~and has not complied~~
22 ~~with the registration requirements of this chapter~~ and the
23 person assists the sex offender in avoiding a law enforcement
24 agency that is seeking to find the sex offender to question
25 the sex offender about, or to arrest the sex offender for,

1 noncompliance with the requirements of this chapter if the
2 person does any of the following:

3 "(1) Harbors, attempts to harbor, or assists another
4 person in harboring or attempting to harbor the sex offender.

5 "(2) Allows a sex offender to reside at his or her
6 residence to avoid registration if the address is not the
7 address the sex offender listed as his or her residence
8 address.

9 "(3) Warns a sex offender that a law enforcement
10 agency is attempting to locate the sex offender.

11 "(4) Provides the sex offender with money,
12 transportation, weapon, disguise, or other means of avoiding
13 discovery or apprehension.

14 "(5) Conceals, attempts to conceal, or assists
15 another in concealing or attempting to conceal the sex
16 offender.

17 "(6) Provides information to a law enforcement
18 agency regarding a sex offender which the person knows to be
19 false.

20 "(b) For the purposes of this section, the term law
21 enforcement agency includes, but is not limited to, the Board
22 of Pardons and Paroles.

23 "(c) ~~Harboring~~ Knowingly harboring, assisting, or
24 concealing a sex offender is a Class C felony.

25 "\$15-20A-40.

1 "(a) It is the intent of the Legislature that a
2 duplicate of a certified copy of a public record be admissible
3 and is not dependent on the original custodian of record to
4 gain admissibility. Further, the Legislature finds that the
5 certification by the clerk of the court and the certification
6 by the Alabama State Law Enforcement Agency, formerly the
7 Department of Public Safety, assures reliability and
8 trustworthiness.

9 "(b) The clerk of the court shall forward a
10 certified copy of a sex offender's adjudication or conviction
11 to the Alabama State Law Enforcement Agency, formerly the
12 Department of Public Safety, within 30 days of ~~sentencing~~
13 receipt of the order of adjudication or conviction of any of
14 the offenses listed in Section 15-20A-5.

15 "(c) Any state, county, or municipal law enforcement
16 agency, the Attorney General, or a district attorney may
17 request a duplicate of the sex offender's adjudication or
18 conviction from the Alabama State Law Enforcement Agency,
19 formerly the Department of Public Safety.

20 "(d) Upon the request of any of the agencies listed
21 in subsection (c), the custodian of records, or its designee,
22 of the Alabama State Law Enforcement Agency, formerly the
23 Department of Public Safety shall immediately certify all of
24 the following:

1 "(1) That the Alabama State Law Enforcement Agency,
2 formerly the Department of Public Safety received the
3 certified copy of the sex offender's conviction or
4 adjudication from the clerk of the court pursuant to
5 subsection (b).

6 "(2) That the original certified copy received from
7 the clerk of the court remains in the possession of the
8 Alabama State Law Enforcement Agency, formerly the Department
9 of Public Safety.

10 "(3) That no changes or alterations have been made
11 to the original certified copy.

12 "(e) Upon certification by the Alabama State Law
13 Enforcement Agency, formerly the Department of Public Safety
14 as provided in subsection (d), the Alabama State Law
15 Enforcement Agency, formerly the Department of Public Safety
16 shall immediately forward the certified documents to the
17 requesting agency.

18 "(f) Notwithstanding any other law or rule of
19 evidence, a certified copy of the record of adjudication or
20 conviction as defined in subsection (b), provided by the
21 Alabama State Law Enforcement Agency, formerly the Department
22 of Public Safety as provided in subsection (d), shall be proof
23 of the sex offender's adjudication or conviction of a sex
24 offense and shall be admissible into evidence, without further
25 proof, in any court in this state.

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

5 "(h) Any clerk of a court, who willfully or
6 intentionally fails to report any such conviction or
7 adjudication in his or her court shall be guilty of a Class A
8 misdemeanor.

9 "§15-20A-42.

10 "(a) Any jurisdiction or agency responsible for
11 registering a sex offender shall immediately forward all
12 required registration information and any changes to the
13 required registration information received to the ~~Department~~
14 ~~of Public Safety~~ Alabama State Law Enforcement Agency in a
15 manner determined by the ~~director~~ Secretary of the ~~department~~
16 Alabama State Law Enforcement Agency and promulgated in rule
17 by the ~~director~~ secretary upon recommendation of an advisory
18 board consisting of representatives of the office of the
19 Attorney General, District Attorneys Association, Chiefs of
20 Police Association, Sheriffs Association, and the ~~Department~~
21 ~~of Public Safety~~ Alabama State Law Enforcement Agency. The
22 advisory board members shall not receive any compensation or
23 reimbursement for serving on the advisory board.

24 "(b) Upon notification or discovery of the death of
25 a sex offender, the registering agency shall immediately

1 notify the ~~Department of Public Safety~~ Alabama State Law
2 Enforcement Agency.

3 "(c) The ~~Department of Public Safety~~ Alabama State
4 Law Enforcement Agency shall immediately enter all
5 registration information received into its sex offender
6 database.

7 "(d) All information received by the ~~Department of~~
8 ~~Public Safety~~ Alabama State Law Enforcement Agency shall be
9 immediately forwarded to the following by the ~~Department of~~
10 ~~Public Safety~~ Alabama State Law Enforcement Agency:

11 "(1) The Alabama Criminal Justice Information
12 Center, who will in turn provide any information received to
13 the National Criminal Information Center or any other law
14 enforcement agency for any lawful criminal justice purpose.

15 "(2) The Sex Offender Registration and Notification
16 Act Exchange Portal.

17 "(3) The National Sex Offender Registry.

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

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

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

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

4 "(8) The Attorney General's Office of Victim
5 Assistance.

6 "(e) Upon request, all registration information
7 shall be available to all federal, state, county, and
8 municipal law enforcement agencies, prosecuting attorneys,
9 probation officers, and any National Child Protection Act
10 agencies in electronic form.

11 "(f) No existing state laws, including, but not
12 limited to, statutes that would otherwise make juvenile and
13 youthful offender records confidential, shall preclude the
14 disclosure of any information requested by a responsible
15 agency, a law enforcement officer, a criminal justice agency,
16 the Office of the Attorney General, or a prosecuting attorney
17 for purposes of administering, implementing, or enforcing this
18 chapter.

19 "(g) The sheriff of each county shall maintain a
20 register or roster of the names of all persons registered by
21 him or her pursuant to this chapter. The information contained
22 in the register or roster shall be made available, upon
23 request, to all federal, state, county, and municipal law
24 enforcement agencies, prosecuting attorneys, or probation

1 officers for the administration, implementation, or
2 enforcement of this chapter.

3 "§15-20A-43.

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

14 "§15-20A-45.

15 "(a) A sex offender who is convicted of any offense
16 specified in this chapter, in addition to any imprisonment or
17 fine, or both, and in addition to any other fees, costs, and
18 assessments, imposed for the commission of the underlying
19 offense, shall be punished by a fine of two hundred fifty
20 dollars (\$250).

21 "(b) The fines collected in subsection (a) shall be
22 distributed as follows:

23 (1) Fifty dollars (\$50) to the Highway Traffic
24 Safety Fund in the ~~Department of Public Safety~~ Alabama State
25 Law Enforcement Agency.

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

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

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

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

"(6) Fifty dollars (\$50) to the ~~local~~ law enforcement agency ~~providing notification~~ who requested the warrant subject to the following:-

"a. If the warrant was requested by the sheriff, or his or her designee, any and all monies collected under this subsection shall be deposited in the county general fund earmarked for use by the sheriff and shall be paid to the sheriff upon request by the sheriff to be used at the discretion of the sheriff for any law enforcement purpose related to sex offender registration, notification, tracking or apprehension.

"b. The monies provided in this subdivision and the use of the funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his or her office.

"c. If the warrant was requested by a municipality, any proceeds from this subdivision shall be deposited into the

1 municipal general fund and made available to the affected law
2 enforcement agency or department upon requisition of the chief
3 law enforcement official of such agency or department and
4 shall be used for any lawful purpose related to sex offender
5 registration notification, tracking or apprehension. The
6 monies provided in this paragraph shall in no way diminish or
7 take the place of any other reimbursement or other source of
8 income established for the chief of police for the operation
9 of his or her office.

10 "(c) Fines ordered pursuant to this section shall
11 not be waived, suspended, or remitted.

12 "§15-20A-44.

13 "(a) The ~~Director~~ Secretary of the ~~Department of~~
14 ~~Public Safety~~ Alabama State Law Enforcement Agency shall
15 promulgate rules establishing an administrative hearing for
16 persons who are only made subject to this chapter pursuant to
17 subdivision (33) of Section 15-20A-5.

18 "(b) The ~~Director~~ Secretary of the ~~Department of~~
19 ~~Public Safety~~ Alabama State Law Enforcement Agency shall
20 promulgate rules setting forth a listing of offenses from
21 other jurisdictions that are to be considered criminal sex
22 offenses under subdivision (33) of Section 15-20A-5.
23 Thereafter, any individual convicted of any offense set forth
24 in the listing shall immediately be subject to this chapter

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

3 "(c) The ~~Director~~ Secretary of the ~~Department of~~
4 ~~Public Safety~~ Alabama State Law Enforcement Agency shall have
5 the authority to promulgate any rules as are necessary to
6 implement and enforce this chapter.

7 "§15-20A-46.

8 "(a) The two hundred dollar (\$200) filing fee paid
9 by a sex offender who petitions the court for relief pursuant
10 to Sections 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, or
11 15-20A-34 shall be distributed as follows:

12 "(1) Fifty dollars (\$50) to the Circuit Clerk's
13 Restitution Recovery Fund.

14 "(2) Fifty dollars (\$50) to the ~~law enforcement~~
15 ~~agency providing community notification~~ sheriff of the county
16 subject to the following:-

17 "a. Any and all monies collected under this
18 subdivision shall be deposited in the county general fund
19 earmarked for use by the sheriff and shall be paid to the
20 sheriff upon request by the sheriff to be used at the
21 discretion of the sheriff for any law enforcement purpose
22 related to sex offender registration, notification, tracking
23 or apprehension.

24 "b. The monies provided in this subdivision and the
25 use of the funds shall in no way diminish or take the place of

1 any other reimbursement or other source of income established
2 for the sheriff or the operation of his or her office.

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

5 "(4) Fifty dollars (\$50) to ~~Child~~ Alabama Network of
6 Children's Advocacy Centers.

7 "(b) The filing fee shall not be ~~suspended, waived,~~
8 ~~or~~ remitted.

9 "\$15-22-27.3.

10 "Any person convicted of a ~~criminal~~ sex offense
11 involving a child as defined in subdivision ~~(5)~~ (26) of
12 Section ~~15-20-21~~ 15-20A-4 which constitutes a Class A or B
13 felony shall not be eligible for parole.

14 "\$32-6-49.24.

15 "(a) (1) Effective July 10, 2010, except as otherwise
16 provided by this subsection, a person convicted of a crime
17 that requires registration as a sex offender under Chapter 20A
18 of Title 15, formerly Article 2 of Chapter 20 of Title 15 is
19 prohibited from driving a commercial motor vehicle that
20 requires a commercial driver license with a P or an S
21 endorsement.

22 "(2) If a person who is registered as a sex offender
23 pursuant to Chapter 20A of Title 15, formerly Article 2 of
24 Chapter 20 of Title 15 on July 10, 2010, has a valid
25 commercial driver license with a P or an S endorsement that

1 was issued on or before July 10, 2010, then the person is not
2 disqualified under this subsection until that license expires,
3 provided the person does not commit a subsequent offense that
4 requires registration as a sex offender under Chapter 20A of
5 Title 15, formerly Article 2 of Chapter 20 of Title 15.

6 "(b) The department shall revoke the commercial
7 driver license with a P or an S endorsement of any person
8 convicted of any offense on or after July 10, 2010, that
9 requires registration as a sex offender under Chapter 20A of
10 Title 15, formerly Article 2 of Chapter 20 of Title 15.

11 "(c) (1) Effective July 10, 2010, the department
12 shall not issue or renew a commercial driver license with a P
13 or an S endorsement to any person who is required to register
14 as a sex offender under Chapter 20A of Title 15, formerly
15 Article 2 of Chapter 20 of Title 15.

16 "(2) The department shall not issue a commercial
17 driver license with a P or an S endorsement to an applicant
18 until the department has searched both the statewide registry
19 and the National Sex Offender Public Registry to determine if
20 the person is currently registered as a sex offender in this
21 state or another state.

22 "(3) If the department finds that the person is
23 currently registered as a sex offender in either this state or
24 another state, the department shall not issue a commercial
25 driver license with a P or an S endorsement to the person.

1 "(4) If the department is unable to access either
2 the statewide registry or all information of other states
3 contained in the National Sex Offender Public Registry, but
4 the person is otherwise qualified to obtain a commercial
5 driver license with a P or an S endorsement, then the
6 department shall issue the commercial driver license with the
7 P or S endorsement, but shall first require the person to sign
8 an affidavit stating that the person does not appear on either
9 the statewide registry or the National Sex Offender Public
10 Registry. The department shall search the statewide registry
11 and the National Sex Offender Public Registry for the person
12 within a reasonable time after access to the statewide
13 registry or the National Sex Offender Public Registry is
14 restored. If the person does appear in either registry, the
15 person is in violation of this section, and the department
16 shall immediately cancel the commercial driver license and
17 shall promptly notify the district attorney of the circuit
18 where the person resides of the offense.

19 "(5) Any person denied a commercial driver license
20 with a P or an S endorsement pursuant to this subsection shall
21 have a right to file an appeal to the department within 30
22 days thereafter for a hearing in the matter. The department
23 shall set the matter for a hearing within 30 days in order to
24 take testimony and examine the facts of the case and determine

whether the petitioner is entitled to a commercial driver license with a P or an S endorsement under this subsection.

"(6) Any person who makes a false affidavit, or who knowingly swears or affirms falsely, to any matter or thing required by this section to be affirmed to or sworn is guilty of a Class C felony.

"(d) A person who drives a commercial passenger vehicle or a school bus and who does not have a valid commercial driver license with a P or an S endorsement because the person was convicted of a violation that requires registration as a sex offender under Chapter 20A of Title 15, formerly Article 2 of Chapter 20 of Title 15 is guilty of a Class C felony.

"§36-18-24.

"(a) The director is hereby authorized and empowered to create and establish a DNA database for the purposes of:

"(1) Assisting federal, state, county, municipal, or local criminal justice and law enforcement officers or agencies in the putative identification, detection, or exclusion of persons who are the subjects of investigations or prosecutions of sex related crimes, other violent crimes, or other crimes in which biological evidence is received or recovered.

"(2) Supporting identification research and protocol development of DNA forensic methods.

1 "(3) Creating and maintaining DNA quality control
2 standards.

3 "(4) Assisting in the recovery or identification of
4 human remains from natural or mass disasters.

5 "(5) Assisting in other humanitarian purposes
6 including the identification of missing, deceased, or
7 unidentified persons.

8 "(b) The DNA database shall contain DNA records
9 which the director shall deem necessary for the implementation
10 of this article, and also shall contain DNA records of:

11 "(1) Persons convicted after May 6, 1994, for a
12 felony offense.

13 "(2) Persons confined as of May 6, 1994, under a
14 sentence of imprisonment or involuntary incarceration or
15 confinement in a prison, jail, or other incarceration facility
16 as a result of any felony conviction.

17 "(3) Persons convicted after May 6, 1994, of any
18 offense contained in Chapter 6, Title 13A, or as the same may
19 be hereafter amended.

20 "(4) Persons convicted after May 6, 1994, of any
21 attempt, solicitation, or conspiracy to commit any offense
22 contained in Chapter 6, Title 13A, or as the same may be
23 hereafter amended.

24 "(5) Persons convicted or sentenced after May 6,
25 1994, for any of the offenses enumerated above and serving a

1 sentence of probation, suspended sentence, or other sentence
2 or judgment not requiring immediate incarceration.

3 "(6) Subject to subdivision (3) of subsection (c) of
4 Section 36-18-25, persons arrested on or after October 1,
5 2010, for any felony offense or for any sexual offense
6 including, but not limited to, those that would require
7 registration pursuant to the Alabama Sex Offender Registration
8 and Community Notification Act, Article 2, commencing with
9 Section ~~15-20-20~~ 15-20A-1, of Chapter ~~20~~ 20A, Title 15, former
10 Community Notification Act, Article 2, of Chapter 20 of Title
11 15.

12 "§36-18-25.

13 "(a) All persons convicted of a criminal offense as
14 set out in Section 36-18-24 shall, when requested by the
15 director submit to the taking of a DNA sample or samples as
16 may be specified by the director, provided, however, the
17 director shall promulgate such rules and regulations as may be
18 necessary for the purposes of ensuring that DNA samples are
19 collected in a medically approved manner.

20 "(b) As of May 6, 1994, all persons serving any
21 sentence of probation for any of the offenses set out in
22 Section 36-18-24 shall, when requested by the director, submit
23 to the taking of a DNA sample or samples as specified by the
24 director. Upon the refusal of any such person to so submit the

1 sentencing court shall order such submission as a mandatory
2 condition of probation.

3 "(c) (1) All persons arrested for any felony offense
4 on or after October 1, 2010, or for any sexual offense
5 including, but not limited to, those that would require
6 registration pursuant to the Alabama Sex Offender Registration
7 and Community Notification Act, Article 2, commencing with
8 Section 15-20-20 15-20A-1, of Chapter 20 20A, Title 15, or the
9 former Community Notification Act, Article 2, of Chapter 20 of
10 Title 15, on or after October 1, 2010, shall have a DNA sample
11 drawn or taken, as specified by the director, at the same time
12 he or she is fingerprinted pursuant to the booking procedure
13 or at the time of arrest.

14 "(2) For purposes of this chapter, a juvenile who is
15 arrested for an offense covered by this chapter or adjudicated
16 delinquent for the commission of a felony-grade delinquent act
17 shall be considered a person who is arrested for a felony or
18 other specified offense.

19 ~~"(3) Notwithstanding the other provisions of this~~
20 ~~section, any person arrested for a felony offense or a sexual~~
21 ~~offense, including a juvenile pursuant to subdivision (2),~~
22 ~~shall consent in writing freely and voluntarily to provide a~~
23 ~~DNA sample and shall be informed that they are providing~~
24 ~~written permission without any threats or promises. The person~~
25 ~~shall have the right to refuse to provide a sample pursuant to~~

1 ~~subdivision (1) or (2) without penalty. The refusal may not be~~
2 ~~used as evidence against the person in any proceeding.~~

3 ~~"(4)~~ (3) If it is determined that the person's DNA
4 sample has been included in the DNA database, and has not been
5 subject to a court's order expunging the record from the DNA
6 database, no additional sample is required.

7 "(d) As of May 6, 1994, all persons convicted of any
8 of the offenses set out in Section 36-18-24 shall be ordered
9 to submit to the taking of a DNA sample or samples as
10 specified by the director as a mandatory condition of any term
11 of probation or suspended sentence which may be imposed by the
12 sentencing court.

13 "(e) As of May 6, 1994, all persons convicted for
14 any offense set out in Section 36-18-24 and under any sentence
15 of confinement to any incarceration facility, shall, when
16 requested by the director, submit to the taking of a DNA
17 sample or samples as specified by the director. Upon the
18 refusal of any such person to so submit, the custodian of the
19 incarceration facility shall require such submission as a
20 mandatory condition of any temporary, partial, or limited
21 release, including, but not limited to, work release,
22 furlough, or other incentive release.

23 "(f) As of May 6, 1994, all persons convicted of any
24 of the offenses set out in Section 36-18-24, shall be ordered
25 by the sentencing court to submit to the taking of a DNA

1 sample or samples as may be specified by the director as part
2 of the sentence to be imposed.

3 "(g) As of May 6, 1994, all persons convicted for
4 any offense set out in Section 36-18-24 who may be eligible
5 for consideration by the Alabama Board of Pardons and Paroles
6 for either a pardon or parole shall be ordered by the Alabama
7 Board of Pardons and Paroles to submit to the taking of a DNA
8 sample or samples as may be specified by the director, as a
9 mandatory condition of the pardon or parole.

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

15 "(i) A DNA sample obtained in good faith shall be
16 deemed to have been obtained in accordance with the
17 requirements of this chapter and its use in accordance with
18 this chapter is authorized until the circuit court in which an
19 individual was convicted or, in a case where the DNA sample
20 was collected pursuant to a felony or sexual offense arrest,
21 the circuit court where the individual was arrested, orders
22 that the DNA sample should be expunged.

23 "(j) DNA records and DNA samples submitted to the
24 Department of Forensic Sciences may only be released for one
25 of the following authorized purposes:

"(1) For law enforcement identification purposes, including the identification of human remains, to federal, state, or local criminal justice agencies.

"(2) For criminal defense and appeal purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged or was convicted.

"(3) If personally identifiable information is removed for forensic validation studies, forensic protocol development, or quality control purposes.

"§38-13-2.

"When used in this chapter, the following words shall have the following meanings:

"(1) ADULT. An individual 19 years of age and older.

"(2) ADULT CARE FACILITY. A person or entity holding a Department of Human Resources license or approval or certification to provide care, including foster care, for adults.

"(3) APPLICANT. A person or entity who submits an application for license as a child care or adult care facility to the Department of Human Resources or a child placing agency, or an application for employment or for a volunteer position to a Department of Human Resources licensed child care or adult care facility. With regards to child care and adult care facilities in a home setting, the term includes an

1 adult household member whose residence is in the home. The
2 term also includes an individual who submits an application
3 for a volunteer position or for employment with the Department
4 of Human Resources in a position in which the person has
5 unsupervised access to children, adults, or individuals with
6 disabilities as one of the essential functions of the job. The
7 term also includes an applicant for approval as an adoptive
8 parent of a child or as a foster parent of an adult or child.

9 "(4) AUTOMATED SYSTEM. The computerized, automated
10 fingerprint identification system (AFIS) maintained by the
11 Department of Public Safety that allows for a computer search
12 of the in-state database for criminal history background check
13 information maintained by the Alabama Criminal Justice
14 Information Center (ACJIC). The system contains criminal
15 history background information for fingerprint-based and
16 name-based searches.

17 "(5) CARE. The provision of care, treatment,
18 education, training, instruction, supervision, or recreation
19 to children, adults, or individuals with disabilities.

20 "(6) CARETAKER SETTING. A building, structure, or
21 location, public or private property, or vehicle, utilized for
22 or involved in the providing of care, education, training,
23 instruction, or supervision of children, adults, or
24 individuals with disabilities or transportation in connection

1 with activity provided by a licensed, approved, or certified
2 child or adult care facility.

3 "(7) CHIEF EXECUTIVE OFFICER. The Commissioner of
4 the Department of Human Resources, the director of a county
5 department of human resources, or the head of an employer
6 covered by this chapter, but not specifically enumerated.

7 "(8) CHILD or CHILDREN. An individual under 19 years
8 of age.

9 "(9) CHILD CARE FACILITY. A person or entity holding
10 a Department of Human Resources license, permit, or approval
11 to provide child care, including foster care, under Chapter 7
12 of this title. The term excludes exempt child care facilities.

13 "(10) CHILD PLACING AGENCY. A person or entity
14 licensed by the Department of Human Resources under Chapter 7
15 of this title, issuing approvals to foster family homes and
16 adoptive homes.

17 "(11) CONVICTION. A determination of guilt as the
18 result of a plea, including a plea of nolo contendere, or a
19 trial.

20 "(12) CRIMINAL HISTORY BACKGROUND INFORMATION CHECK.
21 The review of any and all records containing any information
22 collected and stored in the criminal record repository of the
23 Federal Bureau of Investigation, the Alabama Criminal Justice
24 Information Center, and the Alabama Department of Public
25 Safety involving an arrest or conviction by a criminal justice

1 agency, including, but not limited to, child abuse crime
2 information as defined by 42 U.S.C. § 5119, the National Child
3 Protection Act of 1993, conviction record information,
4 fingerprint cards, correctional data and release information,
5 and identifiable descriptions and notations of convictions.
6 Criminal history background information shall not include any
7 analytical records or investigative reports that contain
8 intelligence information or criminal investigation
9 information.

10 "(13) CURRENT. An individual who is presently
11 employed, licensed, or approved, or working as a volunteer on
12 November 1, 2000.

13 "(14) DAILY LIVING TASKS. Activities of daily
14 living, including walking, working, learning, grooming and
15 hygiene, bathing, dressing, eating, cooking, cleaning,
16 shopping, transportation, managing money, maintaining a
17 residence, writing, and using telephones, computers, and other
18 automated communication devices.

19 "(15) ELDERLY. An individual 65 years of age or
20 older.

21 "(16) EMPLOYEE. An individual currently in the
22 service of an employer for compensation, full-time or
23 part-time, and employed by contract or at will, in which the
24 employer has the authority to control the person in the

1 material details of how work shall be performed and when
2 compensation shall be provided.

3 "(17) EMPLOYER. An individual, person, group of
4 persons, association, partnership, corporation, limited
5 liability company or partnership, business, or other entity
6 which hires employees, has volunteers, or contracts with
7 others to provide personnel to work with or provide care to
8 children, adults, or individuals with disabilities in a
9 caretaker setting.

10 "(18) ESSENTIAL FUNCTIONS. The fundamental, not
11 merely marginal, job duties of the employment as determined by
12 a written job description or the judgement of the employer.

13 "(19) EXEMPT CARE FACILITY. A person or entity
14 exempt by law from licensure by the Department of Human
15 Resources or a child placing agency, including church day
16 care, child centers, or elder centers.

17 "(20) INDIVIDUAL. A natural person.

18 "(21) INDIVIDUAL WITH DISABILITIES. A person with a
19 mental or physical impairment who requires assistance to
20 perform one or more daily living tasks.

21 "(22) LAW ENFORCEMENT. The sheriff's department of a
22 county or the police department of a municipality.

23 "(23) LICENSE. A license, permit, certification,
24 approval, registration, or other form of permission required
25 by law by whatever designation for a child care facility,

1 adult care facility, child placing agency, foster parent or
2 foster home, adoptive parent or adoptive home, or any other
3 person or entity in which an individual has unsupervised
4 access to children, the elderly, or individuals with
5 disabilities.

6 "(24) LICENSED SOCIAL WORKER. A social worker
7 licensed by the Alabama State Board of Social Work Examiners
8 to conduct family home studies and psychosocial assessments in
9 adoptive or custody cases by court order or for treatment not
10 otherwise required to conduct a criminal history check.

11 "(25) LICENSEE. Holder of a license or approval and
12 an adult household member whose residence is in the home in
13 regards to child care and adult care facilities in a home
14 setting.

15 "(26) PERSON or ENTITY. A natural person, sometimes
16 referred to as an individual, an owner or operator of any
17 adult care facility, child care facility, child placing
18 agency, exempt child care facility, or licensee, whether an
19 individual, corporation, limited liability company or
20 partnership, partnership, association, or other legal entity
21 or group, and a board member, an officer, member, or partner
22 of an entity who has direct contact with children, the
23 elderly, or individuals with disabilities in care.

24 "(27) REASONABLE SUSPICION. Belief by a prudent
25 person that reasonable articulable grounds exist to suspect

1 that the employee's past or present behavior should be
2 reviewed to determine if such behavior or conduct bears upon
3 the individual's fitness to teach or supervise or have
4 responsibility for the safety and well-being of children, the
5 elderly, or persons with disabilities as defined in this
6 chapter.

7 "(28) REPORT. A written statement of criminal
8 history background information.

9 "(29) RESIDENCE. Place of abode, domicile, or
10 dwelling with intention to remain permanently and continuously
11 or for an indefinite or uncertain length of time.

12 "(30) SEX CRIME. Includes the following:

13 "a. Enticing a child to enter a vehicle, room,
14 house, office, or any other place for immoral purposes, as
15 proscribed by Section 13A-6-69.

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

18 "c. Kidnapping of a minor, except by a parent, in
19 the first or second degree, as proscribed by Section 13A-6-43
20 or Section 13A-6-44.

21 "d. Promoting prostitution in the first or second
22 degree, as proscribed by Section 13A-12-111 or Section
23 13A-12-112.

24 "e. Rape in the first or second degree, as
25 proscribed by Section 13A-6-61 or Section 13A-6-62.

"f. Sexual misconduct, as proscribed by Section 13A-6-65.

"g. Sexual torture, as proscribed by Section 13A-6-65.1.

"h. Sexual abuse in the first or second degree, as proscribed by Section 13A-6-66 or Section 13A-6-67.

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

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

"k. Violation of the Alabama Child Pornography Act, as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197.

"l. Any solicitation, attempt, or conspiracy to commit any of the offenses listed in paragraphs a. to k., inclusive.

"m. A crime listed in the Alabama Sex Offender Registration and Community Notification Act, Chapter ~~20~~ 20A of Title 15.

"n. Conviction for a violation or attempted violation of an offense committed outside the State of Alabama or under federal law is a sex crime or any other crime if the offense would be a crime in Alabama.

1 "(31) SUITABILITY CRITERIA.

2 "a. Convictions for any of the following crimes
3 shall make an individual unsuitable for employment, volunteer
4 work, approval, or licensure:

5 "1. Murder, manslaughter, or criminally negligent
6 homicide.

7 "2. A sex crime.

8 "3. A crime that involves the physical or mental
9 injury or maltreatment of a child, the elderly, or an
10 individual with disabilities.

11 "4. A crime committed against a child.

12 "5. A crime involving the sale or distribution of a
13 controlled substance.

14 "6. Robbery.

15 "7. A crime or offense committed in another state or
16 under federal law which would constitute any of the above
17 crimes in this state.

18 "b. Conviction for any crime listed in the Adoption
19 and Safe Families Act, 42 U.S.C. § 671(a)(20) shall disqualify
20 a person from being approved or continuing to be approved as a
21 foster parent or adoptive parent and a convicted person shall
22 be deemed unsuitable for employment, volunteer work, approval,
23 or licensure as a foster parent or adoptive parent.

24 "c. The Department of Human Resources may set other
25 disqualifying convictions by rule under the Administrative

1 Procedure Act, Section 41-22-1, et seq., for Department of
2 Human Resources licensed child or adult care facilities.

3 "(32) SUITABILITY DETERMINATION. A decision that an
4 individual is or is not suitable for employment, volunteer
5 work, or licensure based upon the existence of a prohibited
6 criminal conviction.

7 "(33) UNSUPERVISED ACCESS TO A CHILD OR CHILDREN,
8 THE ELDERLY, OR AN INDIVIDUAL WITH DISABILITIES. Contacts,
9 interviews, questions, examinations, interaction, or
10 communications outside the presence, supervision, and control
11 of someone other than a child or elderly or disabled
12 individual in care during the provision of care, education,
13 training, instruction, supervision, or other employment or
14 license related activities.

15 "(34) VOLUNTEER. An individual who provides services
16 without an express or implied promise of compensation, but
17 shall not include the parent, family member, legal custodian,
18 or legal guardian of a child, the elderly, or disabled
19 individual in care.

20 "(35) WRITTEN CONSENT. A signed statement by the
21 applicant or employee containing all of the following:

22 "a. The name, address, date of birth, race, gender,
23 and Social Security number appearing on a valid identification
24 document as defined in subsection (d) of 18 U.S.C. § 1028. If
25 the applicant does not have a Social Security number because

1 of sincerely held personal beliefs, the Social Security number
2 shall not be required and the Department of Human Resources
3 and the Department of Public Safety shall provide an
4 alternative means of identification and procedure.

5 b. Notice to the applicant or employee of the right
6 to obtain a copy of the criminal history background
7 information check report, challenge the accuracy and
8 completeness of any information contained in the report, and
9 to obtain a prompt determination as to the validity of a
10 challenge.

11 "c. Name, address, and telephone number of the
12 employer or licensing entity for which the criminal history
13 background information check report is being sought.

14 "d. Release of the criminal history background
15 information check report to the Department of Human Resources.

16 "§38-13-4.

17 "(a) Every employer, child care facility, adult care
18 facility, the Department of Human Resources, and child placing
19 agency required to obtain a criminal history background
20 information check pursuant to this chapter shall obtain, prior
21 to or upon the date of employment, or issuance of a license or
22 approval or renewal thereof, and maintain in the agency or
23 personnel file, a request with written consent for the
24 criminal history background information check and a statement
25 signed by the applicant, volunteer, or employee indicating

1 whether he or she has ever been convicted of a crime, and if
2 so, fully disclosing all convictions. The statement shall
3 include a notice and questionnaire the same as or similar to
4 the following:

5 ""MANDATORY CRIMINAL HISTORY CHECK NOTICE: Alabama
6 law requires that a criminal history background information
7 check be conducted on all persons who hold a license or work
8 in a Department of Human Resources licensed child care or
9 adult care facility, a foster or adoptive home approved by the
10 Department of Human Resources, or a licensed child placing
11 agency, including all officers and agents of the entity. You
12 are required to provide full, complete, and accurate
13 information on your criminal conviction history upon
14 application for a license or employment. This information
15 shall be used to determine your suitability to provide care to
16 children, the elderly, or disabled individuals. Unless a
17 criminal history background information check report and
18 suitability determination have previously been obtained, you
19 must complete a written request and consent for a criminal
20 history background information check with fingerprints at the
21 time of application for employment. Refusal to complete these
22 documents or providing false information may result in refusal
23 of employment, approval, or licensure. The term conviction
24 includes a determination of guilt by a trial, by a plea of
25 guilty, or a plea of nolo contendere. You are required to

1 notify your employer, licensing agency, or entity where you
2 are performing volunteer work of any criminal conviction
3 occurring subsequent to the date of completion of this notice.
4 Any individual determined to have submitted false information
5 may be referred to the district attorney or law enforcement
6 for investigation and possible prosecution. An individual who
7 intentionally falsifies or provides any misleading information
8 on the statement is guilty of a Class A misdemeanor,
9 punishable by a fine of not more than two thousand dollars
10 (\$2,000) and imprisonment for not more than one year.

11 "Convictions for any of the following crimes shall
12 make an individual unsuitable for employment, volunteer work,
13 approval, or licensure:

14 ""1. Murder, manslaughter, or criminally negligent
15 homicide.

16 ""2. A sex crime.

17 ""3. A crime that involves the physical or mental
18 injury or maltreatment of a child, the elderly, or an
19 individual with disabilities.

20 ""4. A crime committed against a child.

21 ""5. A crime involving the sale or distribution of a
22 controlled substance.

23 ""A sex crime includes the following:

1 ""a. Enticing a child to enter a vehicle, room,
2 house, office, or any other space for immoral purposes, as
3 proscribed by Section 13A-6-69 of the Code of Alabama 1975.

4 ""b. Incest, when the offender is an adult and the
5 victim is a minor, as proscribed by Section 13A-13-3 of the
6 Code of Alabama 1975.

7 ""c. Kidnapping of a minor, except by a parent, in
8 the first or second degree, as proscribed by Section 13A-6-43
9 or Section 13A-6-44 of the Code of Alabama 1975.

10 ""d. Promoting prostitution in the first or second
11 degree, as proscribed by Section 13A-12-111 or Section
12 13A-12-112 of the Code of Alabama 1975.

13 ""e. Rape in the first or second degree, as
14 proscribed by Section 13A-6-61 or Section 13A-6-62 of the Code
15 of Alabama 1975.

16 ""f. Sexual misconduct, as proscribed by Section
17 13A-6-65 of the Code of Alabama 1975.

18 ""g. Sexual torture, as proscribed by Section
19 13A-6-65.1 of the Code of Alabama 1975.

20 ""h. Sexual abuse in the first or second degree, as
21 proscribed by Section 13A-6-66 or Section 13A-6-67 of the Code
22 of Alabama 1975.

23 ""i. Sodomy in the first or second degree, as
24 proscribed by Section 13A-6-63 or Section 13A-6-64 of the Code
25 of Alabama 1975.

1 ""j. Soliciting a child by computer for the purposes
2 of committing a sexual act and transmittal of obscene material
3 to a child by computer as proscribed by Sections 13A-6-110 and
4 13A-6-111 of the Code of Alabama 1975.

5 ""k. Violation of the Alabama Child Pornography Act,
6 as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196,
7 or 13A-12-197 of the Code of Alabama 1975.

8 ""l. Any solicitation, attempt, or conspiracy to
9 commit any of the offenses listed in paragraphs a. to k.,
10 inclusive.

11 ""m. A crime listed in the Alabama Sex Offender
12 Registration and Community Notification Act, Chapter 20 20A of
13 Title 15 of the Code of Alabama 1975.

14 ""6. Conviction for a crime listed in the federal
15 Adoption and Safe Families Act as prohibiting a person from
16 being a foster parent or adoptive parent shall be deemed to
17 make the convicted person unsuitable for employment, volunteer
18 work, approval, or licensure as a foster parent or adoptive
19 parent.

20 ""7. Conviction for a violation or attempted
21 violation of an offense committed outside the State of Alabama
22 or under federal law is a sex crime or any other crime listed
23 in this notice if the offense would be a crime listed in this
24 notice in Alabama.

25 ""CRIMINAL HISTORY STATEMENT

1 ""Have you ever had a suitability determination made
2 by the Department of Human Resources in connection with a
3 previous criminal history information background check? Yes
4 (__) No (__).

5 ""Have you ever been convicted of a crime? Yes (__)
6 No (__). If yes, state the date, crime, location, punishment
7 imposed, and whether the victim was a child or an elderly or
8 disabled individual.

9 "" _____

10 "" _____

11 ""Date _____ Signature _____."

12 "(b) An individual who fails or refuses to provide a
13 statement shall not be employed, allowed to work or volunteer,
14 or issued a license or approval as defined in this chapter.
15 Upon receipt of a signed criminal history statement which does
16 not indicate conviction for a crime prohibiting employment
17 under the suitability criteria, an employer, including the
18 Department of Human Resources, may employ an applicant or
19 allow a volunteer or contract provider to work provisionally
20 pending receipt of a suitability determination from the
21 Department of Human Resources.

22 "(c) No later than the five business days after
23 employment or a reasonable time after completion of
24 application for a license or approval, an employer, the
25 Department of Human Resources, or child placing agency shall

1 mail or deliver a request for a criminal history background
2 information check to the Department of Public Safety
3 accompanied by the following:

4 "(1) Two complete sets of fingerprints, properly
5 executed by a law enforcement agency or an individual properly
6 trained in fingerprinting techniques.

7 "(2) Written consent from the applicant, employee,
8 or volunteer for the release of the criminal history
9 background information to the Department of Human Resources.

10 "(3) The fee.

11 "(d) Upon receipt of a suitability determination
12 from the Department of Human Resources that a person or entity
13 is suitable for employment, volunteer work, licensure, or
14 approval based on the criminal history background information
15 check, an employer, a child care facility, adult care
16 facility, a child placing agency, or the Department of Human
17 Resources may make its own determination of employment,
18 licensure, or approval. This chapter shall not create any
19 right to employment, work, approval, or licensure. Upon
20 receipt of a determination from the Department of Human
21 Resources that an individual is unsuitable for employment,
22 licensure, approval, or volunteer work, an employer, the child
23 care facility, adult care facility, child placing agency, or
24 Department of Human Resources shall terminate the individual
25 from employment or volunteer work or shall not employ or use

1 the individual. Termination of employment may be delayed by
2 the employer to allow the individual to challenge either the
3 accuracy or completeness of the criminal history information
4 background report or the suitability determination made by the
5 Department of Human Resources. The Department of Human
6 Resources or child placing agency shall suspend or revoke a
7 license or approval or deny a license or approval application
8 to an individual receiving an unsuitability determination. As
9 an alternative to termination of employment, the Department of
10 Human Resources may transfer a permanent Merit System employee
11 to an available position for which the employee is qualified
12 where unsupervised access to children, the elderly, or persons
13 with disabilities shall not be an essential function of the
14 job.

15 "(e) If a review of a criminal history background
16 information check or other information received reveals that
17 the person has submitted false information, the employer,
18 child care facility, adult care facility, child placing
19 agency, or Department of Human Resources may terminate the
20 employee or volunteer. The Department of Human Resources or
21 child placing agency may revoke the approval or license of a
22 person or entity when the person or entity submits false
23 information in a review of criminal history background
24 information check or other information. The Department of
25 Human Resources shall be notified of the false information and


1 may refer the case to an appropriate law enforcement agency or
2 district attorney for investigation and prosecution.


3 "(f) Unless otherwise provided in this chapter, only
4 one criminal history background information check shall be
5 required on an individual regardless of subsequent changes in
6 employment or licensing or approval status. Subsequent
7 criminal history background information checks may be
8 conducted by the employer or licensing or approval entity. The
9 licensing or approval entity shall pay the cost for subsequent
10 criminal history background information checks. If the
11 statement signed by the applicant or employee states that a
12 criminal history background information check has been
13 performed and suitability determination issued on the
14 individual pursuant to this chapter, the employer or licensing
15 agency may request at the time of application only a
16 suitability determination from the Department of Human
17 Resources on the check previously performed, within five
18 business days of employment, or completion of license or
19 approval application, submitting the same kind of information
20 and consent for the request for suitability determination as
21 required by the written consent for a criminal history
22 background information check."

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621 because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

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


Speaker of the House of Representatives


President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 12-MAY-15, as amended.

Jeff Woodard
Clerk

Senate	<u>04-JUN-15</u>	Amended and Passed
House	<u>04-JUN-15</u>	Concurred in Senate Amendment

APPROVED 6-11-2015

TIME 9:00 AM


GOVERNOR

Alabama Secretary Of State

Act Num.....: 2015-463
Bill Num....: H-316

Recv'd 06/11/15 01:27pm SLF

SPONSORS

Johnson
Myland
Secretary
Emory Brown

I HEREBY CERTIFY THAT THE
RESOLUTION AS REQUIRED IN
SECTION C OF ACT NO. 81-889
WAS ADOPTED AND IS ATTACHED
TO THE BILL, H.B. 316

YEAS 11 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE
NOTICE & PROOF IS ATTACHED
TO THE BILL, H.B. _____
AS REQUIRED IN THE GENERAL
ACTS OF ALABAMA, 1975 ACT NO.
919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

DATE:

RD 1 RFD

20 11

RD 1 RFD

20 11

This Bill was referred to the Standing
Committee of the Senate, on

and was acted upon by such Committee in

session and is by order of the Committee

returned therefrom with a favorable report

w/amend(s) _____ w/sub _____ by a vote of

yeas 0 nays 0 abstain 0

this 20 day of May 2015

Jim Woodard, Chairperson

DATE:

20 11

RF

RD 2 CAL

DATE:

20 11

RE-REFERRED

RE-COMMITTED ☐

Committee

I hereby certify that the Resolution as
required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
HB 316

YEAS 32 NAYS 0

PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)