

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

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

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

1       reside; and to require a sex offender to provide law  
2       enforcement with a list of all Internet providers used by the  
3       sex offender; and in connection therewith to have as its  
4       purpose or effect the requirement of a new or increased  
5       expenditure of local funds within the meaning of Amendment 621  
6       of the Constitution of Alabama of 1901, now appearing as  
7       Section 111.05 of the Official Recompilation of the  
8       Constitution of Alabama of 1901, as amended.

9       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10               Section 1. Sections 12-15-107, 12-15-116, 13A-5-2,  
11       13A-5-6, 14-9-41, 15-18-8, 15-19-7, 15-20A-4, 15-20A-5,  
12       15-20A-6, 15-20A-7, 15-20A-8, 15-20A-9, 15-20A-11,  
13       15-20A-12, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18,  
14       15-20A-21, 15-20A-22, 15-20A-23, 15-20A-24, 15-20A-25,  
15       15-20A-26, 15-20A-27, 15-20A-28, 15-20A-29, 15-20A-32,  
16       15-20A-34, 15-20A-35, 15-20A-37, 15-20A-38, 15-20A-39,  
17       15-20A-40, 15-20A-42, 15-20A-43, 15-20A-44, 15-20A-45,  
18       15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24, 36-18-25,  
19       38-13-2, and 38-13-4, Code of Alabama 1975, are amended to  
20       read as follows:

21               "§12-15-107.

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

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

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

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

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

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

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

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

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

26           "(b) For the purposes of this chapter, a juvenile  
27 probation officer with the approval of the juvenile court,

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

9 "§12-15-116.

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

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

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

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

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

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

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

26 "(b) All criminal cases before the juvenile court  
27 shall be governed by the laws relating thereto and shall be

1 initiated by complaint made before a judge or magistrate  
2 according to criminal procedure.

3 "§13A-5-2.

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

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

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

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

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

15 "(3) Both such imprisonment and fine.

16 "(d) Every person convicted of a felony,  
17 misdemeanor, or violation, except for the commission of a  
18 ~~criminal~~ sex offense involving a child as defined in Section  
19 ~~15-20-21(5)~~ 15-20A-4(26), may be placed on probation as  
20 authorized by law.

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

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

5           "§13A-5-6.

6           "(a) Sentences for felonies shall be for a definite  
7 term of imprisonment, which imprisonment includes hard labor,  
8 within the following limitations:

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

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

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

15           "(4) For a Class A felony in which a firearm or  
16 deadly weapon was used or attempted to be used in the  
17 commission of the felony, or a Class A felony ~~criminal~~ sex  
18 offense involving a child as defined in Section ~~15-20-21(5)~~  
19 15-20A-4(26), not less than 20 years.

20           "(5) For a Class B or C felony in which a firearm or  
21 deadly weapon was used or attempted to be used in the  
22 commission of the felony, or a Class B felony ~~criminal~~ sex  
23 offense involving a child as defined in Section ~~15-20-21(5)~~  
24 15-20A-4(26), not less than 10 years.

25           "(b) The actual time of release within the  
26 limitations established by subsection (a) of this section

1 shall be determined under procedures established elsewhere by  
2 law.

3 "(c) In addition to any penalties heretofore or  
4 hereafter provided by law, in all cases where an offender is  
5 designated as a sexually violent predator pursuant to Section  
6 ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a  
7 Class A felony ~~criminal~~ sex offense involving a child as  
8 defined in Section ~~15-20-21(5)~~ 15-20A-4(26), and is sentenced  
9 to a county jail or the Alabama Department of Corrections, the  
10 sentencing judge shall impose an additional penalty of not  
11 less than 10 years of post-release supervision to be served  
12 upon the defendant's release from incarceration.

13 "(d) In addition to any penalties heretofore or  
14 hereafter provided by law, in all cases where an offender is  
15 convicted of a sex offense pursuant to Section 13A-6-61,  
16 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of  
17 age or older and the victim was six years of age or less at  
18 the time the offense was committed, the defendant shall be  
19 sentenced to life imprisonment without the possibility of  
20 parole.

21 "§14-9-41.

22 "(a) Each prisoner who shall hereafter be convicted  
23 of any offense against the laws of the State of Alabama and is  
24 confined, in execution of the judgment or sentence upon any  
25 conviction, in the penitentiary or at hard labor for the  
26 county or in any municipal jail for a definite or  
27 indeterminate term, other than for life, whose record of



1 conduct shows that he has faithfully observed the rules for a  
2 period of time to be specified by this article may be entitled  
3 to earn a deduction from the term of his sentence as follows:

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

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

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

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

12 "(b) Within 90 days after May 19, 1980, the  
13 Commissioner of the Department of Corrections shall establish  
14 and publish in appropriate directives certain criteria not in  
15 conflict with this article for Class I, II, III, and IV  
16 prisoner classifications. Such classifications shall encompass  
17 consideration of the prisoner's behavior, discipline, and work  
18 practices and job responsibilities.

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

25 "(2) Class II is that category of prisoners whose  
26 jobs will be under the supervision of a correctional employee  
27 at all times. Any inmate shall remain in this classification

1 for a minimum period of six months before being eligible for  
2 Class I.

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

8 "(4) Class IV is for prisoners not yet classified  
9 and for those who are able to work and refuse, or who commit  
10 disciplinary infractions of such a nature which do not warrant  
11 a higher classification, or inmates who do not abide by the  
12 rules of the institution. Inmates who are classified in this  
13 earning class receive no correctional incentive time. This  
14 class is generally referred to as "flat time" or  
15 "day-for-day." Any inmate shall remain in this classification  
16 for a minimum period of 30 days before being eligible for  
17 Class III.

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

21 "(d) As a prisoner gains a higher classification  
22 status he shall not be granted retroactive incentive credit  
23 based on the higher classification he has reached, but shall  
24 be granted incentive credit based solely on the classification  
25 in which he was serving at the time the incentive credit was  
26 earned. Nothing in this article shall be interpreted as  
27 authorizing an inmate incentive credits based on the highest

1 classification he attains for any period of time in which he  
2 was serving in a lower classification or from the date of his  
3 sentence.

4 "(e) Provided, however, no person may receive the  
5 benefits of correctional incentive time if he or she has been  
6 convicted of a Class A felony or has been sentenced to life,  
7 or death, or who has received a sentence for more than 15  
8 years in the state penitentiary or in the county jail at hard  
9 labor or in any municipal jail. No person may receive the  
10 benefits of correctional incentive time if he or she has been  
11 convicted of a ~~criminal~~ sex offense involving a child as  
12 defined in Section ~~15-20-21(5)~~ 15-20A-4(26). No person may be  
13 placed in Class I if he or she has been convicted of an  
14 assault where the victims of such assault suffered the  
15 permanent loss or use or permanent partial loss or use of any  
16 bodily organ or appendage. No person may be placed in Class I  
17 if he or she has been convicted of a crime involving the  
18 perpetration of sexual abuse upon the person of a child under  
19 the age of 17 years.

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

24 "(f) (1) If during the term of imprisonment a  
25 prisoner commits an offense or violates a rule of the  
26 Department of Corrections, all or any part of his correctional

1 incentive time accrued pursuant to this section shall be  
2 forfeited.

3 "(2) The Commissioner of the Department of  
4 Corrections shall have the power to restore to any prisoner  
5 who has heretofore, or who may hereafter, forfeit the  
6 deductions allowed him or her for good behavior, work habits  
7 and cooperation, or good conduct, by violating any existing  
8 law or prison rule or regulation such portion of his deduction  
9 for good conduct or good behavior as may be proper in his  
10 judgment, upon recommendation and evidence submitted to him by  
11 the warden in charge.

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

19 "(2) When a prisoner is serving two or more  
20 sentences which run concurrently, the sentence which results  
21 in the longer period of incarceration yet remaining shall be  
22 considered the term to which such prisoner is sentenced for  
23 the purpose of computing his release date and correctional  
24 incentive time under the provisions of this article. When  
25 computing the deductions allowed in this section on  
26 indeterminate sentences the maximum sentence shall be the  
27 basis for the computation. The provisions of this section

1 shall be administered by the chief administrative officer of  
2 the penal institution as it applies to prisoners in any state  
3 penal institution, by the sheriff of the county as it applies  
4 to prisoners in any county jail and by the chief of police as  
5 it applies to prisoners in any municipal jail.

6 "(h) Deductions for good behavior, work habits and  
7 cooperation, or good conduct shall be interpreted to give  
8 authorized good time retroactively, to those offenders  
9 convicted of crimes committed after May 19, 1980, except those  
10 convicted of crimes of the unlawful sale or distribution of  
11 controlled substances as enumerated in Title 13A and in former  
12 Chapter 2 of Title 20, and for any sexual offenses as  
13 enumerated in Chapter 6, Title 13A, provided however that the  
14 Commissioner of the Department of Corrections shall have the  
15 prison records of all inmates, who become eligible under this  
16 article, reviewed and shall disqualify any such inmate from  
17 being awarded good time under this article at his discretion.

18 "§15-18-8.

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

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

20          "(2) That the convicted defendant may be confined,  
21          upon consultation with the Commissioner of the Alabama  
22          Department of Corrections (hereinafter called department) in a  
23          disciplinary, rehabilitation, conservation camp program  
24          (hereinafter called program) of the department. The convicted  
25          defendant shall be received into the department in accordance  
26          with applicable department rules and regulations and may be  
27          placed in the program after completion of this initial

1 reception. The program shall be not less than 90 days nor more  
2 than 180 days in duration and shall be operated in accordance  
3 with department rules and regulations and as otherwise  
4 provided for by law. The commissioner of the department or his  
5 or her designee shall report to the sentencing court of each  
6 convicted defendant whether or not the convicted defendant  
7 completes or does not complete the program with any additional  
8 information that the commissioner or his or her designee shall  
9 wish to provide the court. Upon receipt of this report, the  
10 sentencing court may, upon its own order, suspend the  
11 remainder of the sentence and place the convicted defendant on  
12 probation as provided herein or order the convicted defendant  
13 to be confined to a prison, jail-type institution, or  
14 treatment institution for a period not to exceed three years  
15 and that the execution of the remainder of the sentence be  
16 suspended and the defendant be placed on probation for such  
17 period and upon such terms as the court deems best. If the  
18 sentencing court imposes additional confinement, as outlined  
19 above, credit shall be given for the actual time spent by the  
20 convicted defendant in the program. Conviction of an offense  
21 or prior offense of murder, rape first degree, kidnapping  
22 first degree, sodomy first degree, enticing a child to enter  
23 vehicle, house, etc., for immoral purposes, arson first  
24 degree, robbery first degree, and sentencing of life without  
25 parole will not be eligible for this program. It shall be the  
26 duty of the Joint Prison Committee as established by Sections  
27 29-2-20 to 29-2-22, inclusive, to annually review the

1 operation of the program and report their findings to the  
2 Alabama Legislature.

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

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

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

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

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

24 "(2) To make restitution or reparation to aggrieved  
25 parties for actual damages or loss caused by the offense for  
26 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  
26 is subsequently convicted of crime, the prior adjudication as  
27 youthful offender shall be considered.

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

8           "§15-20A-4.

9           "For purposes of this chapter, the following words  
10 shall have the following meanings:

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

13           "(2) CHILD. A person who has not attained the age of  
14 12.

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

22           "(4) CONVICTION. ~~A determination or judgment of~~  
23 ~~guilt following a~~ A verdict or finding of guilt as the result  
24 of a trial, a plea of guilty, a plea of nolo contendere, or an  
25 Alford plea regardless of whether adjudication was withheld.  
26 Conviction includes, but is not limited to, a conviction in a  
27 United States territory, a conviction in a federal or military

1 tribunal, including a court martial conducted by the Armed  
2 Forces of the United States, a conviction for an offense  
3 committed on an Indian reservation or other federal property,  
4 a conviction in any state of the United States or a conviction  
5 in a foreign country if the foreign country's judicial system  
6 is such that it satisfies minimum due process set forth in the  
7 guidelines under Section 111(5) (B) of Public Law 109-248.  
8 Cases on appeal are deemed convictions until reversed or  
9 overturned.

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

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

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

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

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

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

25 "(11) JURISDICTION. Any state of the United States,  
26 any United States territory, the District of Columbia, or any  
27 federally recognized Indian tribe.

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

4           "(13) LOCAL LAW ENFORCEMENT. The sheriff of the  
5 county and the chief of police if the location subject to  
6 registration is within the corporate limits of any  
7 municipality.

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

10           "(15) PREDATORY. An act directed at a stranger, a  
11 person of casual acquaintance, or with whom no substantial  
12 relationship exists, or a person with whom a relationship has  
13 been established or promoted for the purpose of victimization  
14 of that person or individuals over whom that person has  
15 control.

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

22           "(17) REGISTERING AGENCY. Any ~~law enforcement~~ agency  
23 ~~where~~ with whom the sex offender registers required  
24 registration information.

25           "(18) RELEASE. Release from a state prison, county  
26 jail, municipal jail, mental health facility, release or  
27 discharge from the custody of the Department of Youth Services

1 or other juvenile detention, or placement on an appeal bond,  
2 probation, parole, or aftercare, placement into any facility  
3 or treatment program that allows the sex offender to have  
4 unsupervised access to the public, or release from any other  
5 facility, custodial or noncustodial, where the sex offender is  
6 sentenced or made a ward of that facility by a circuit,  
7 district, or juvenile court.

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

10 "(20) RESIDENCE. Each fixed residence or other place  
11 where a person resides, sleeps, or habitually lives or will  
12 reside, sleep, or habitually live. If a person does not  
13 reside, sleep, or habitually live in a fixed residence,  
14 residence means a description of the locations where the  
15 person is stationed regularly, day or night, including any  
16 mobile or transitory living quarters or locations that have no  
17 specific mailing or street address. Residence shall be  
18 construed to refer to the places where a person resides,  
19 sleeps, habitually lives, or is stationed with regularity,  
20 regardless of whether the person declares or characterizes  
21 such place as a residence.

22 "(21) RESPONSIBLE AGENCY. The person or government  
23 entity whose duty it is to obtain information from a sex  
24 offender and to transmit that information to the ~~Department of~~  
25 ~~Public Safety~~ Alabama State Law Enforcement Agency, police  
26 departments, and sheriffs. For a sex offender being released  
27 from state prison, the responsible agency is the Department of

1 Corrections. For a sex offender being released from a county  
2 jail, the responsible agency is the sheriff of that county.  
3 For a sex offender being released from a municipal jail, the  
4 responsible agency is the chief of police of that  
5 municipality. For a sex offender being placed on probation,  
6 including conditional discharge or unconditional discharge,  
7 without any sentence of incarceration, the responsible agency  
8 is the sentencing court or designee of the sentencing court.  
9 For a juvenile sex offender being released from the Department  
10 of Youth Services, the responsible agency is the Department of  
11 Youth Services. For a sex offender who is being released from  
12 a jurisdiction outside this state and who is to reside in this  
13 state, the responsible agency is the sheriff of the county in  
14 which the offender intends to establish a residence.

15 "(22) RISK ASSESSMENT. A written report on the  
16 assessment of risk for sexually re-offending conducted by a  
17 sex offender treatment program or provider approved by the  
18 Department of Youth Services. The report shall include, but  
19 not be limited to, the following regarding the juvenile sex  
20 offender: Criminal history, mental status, attitude, previous  
21 sexual offender treatment and response to treatment, social  
22 factors, conditions of release expected to minimize risk of  
23 sexual re-offending, and characteristics of the sex offense.

24 "(23) SCHOOL. A licensed or accredited public,  
25 private, or church school that offers instruction in grades  
26 K-12. The definition does not include a private residence in  
27 which students are taught by parents or tutors or any facility

1 dedicated exclusively to the education of adults unless that  
2 facility has a childcare facility as defined in subsection  
3 (3).

4 "(24) SENTENCING COURT. The court of adjudication or  
5 conviction.

6 "(25) SEX OFFENDER. Includes any adult sex offender,  
7 any youthful offender sex offender, and any juvenile sex  
8 offender.

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

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

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

19 "(29) STUDENT. A person who is enrolled in or  
20 attends, on a full-time or part-time basis, any public or  
21 private educational institution, including a secondary school,  
22 trade or professional school, or institution of higher  
23 education.

24 "(30) TEMPORARY LODGING INFORMATION. Lodging  
25 information including, but not limited to, the name and  
26 address of any location where the person is staying when away

1 from his or her residence for three or more days and the  
2 period of time the person is staying at that location.

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

6 "§15-20A-5.

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

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

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

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

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

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



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

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

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

7                   "(9) Indecent exposure, as provided by Section  
8 13A-6-68, provided that on a first conviction or adjudication  
9 of a sex offense, the sex offender is only subject to  
10 registration and verification pursuant to this chapter. On a  
11 second or subsequent conviction or adjudication of a sex  
12 offense, if the second or subsequent conviction or  
13 adjudication does not arise out of the same set of facts and  
14 circumstances as the first conviction or adjudication, the sex  
15 offender shall comply with all requirements of this chapter.  
16 The sentencing court may exempt from this act a juvenile sex  
17 offender adjudicated delinquent of indecent exposure.

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

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

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

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

1           "(14) Violation of the Alabama Child Pornography  
2 Act, as provided by Section 13A-12-191, 13A-12-192,  
3 13A-12-196, or 13A-12-197.

4           "(15) Unlawful imprisonment in the first degree, as  
5 provided by Section 13A-6-41, if the victim of the offense is  
6 a minor, and the record of adjudication or conviction reflects  
7 the intent of the unlawful imprisonment was to abuse the minor  
8 sexually.

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

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

18           "(18) Kidnapping of a minor, except by a parent,  
19 guardian, or custodian, as provided by Section 13A-6-43 or  
20 13A-6-44.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 through 13-1-135, or attempting to do so, as provided by  
2 Section 13-1-136; indecent molestation of children, as defined  
3 and provided by Section 13-1-113; indecent exposure, as  
4 provided by Section 13-1-111; incest, as provided by Section  
5 13-8-3; offenses relative to obscene prints and literature, as  
6 provided by Sections 13-7-160 through 13-7-175, inclusive;  
7 employing, harboring, procuring or using a girl over 10 and  
8 under 18 years of age for the purpose of prostitution or  
9 sexual intercourse, as provided by Section 13-7-1; seduction,  
10 as defined and provided by Section 13-1-112; a male person  
11 peeping into a room occupied by a female, as provided by  
12 Section 13-6-6; assault with intent to ravish, as provided by  
13 Section 13-1-46; and soliciting a child by computer, as  
14 provided by Section 13A-6-110.

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

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

24 "(34) Any offense specified by Title I of the  
25 federal Adam Walsh Child Protection and Safety Act of 2006  
26 (Pub. L. 109-248, the Sex Offender Registration and  
27 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.

26           "§15-20A-6.

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

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

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

22           "(b) If the indictment, count of the indictment,  
23 information, complaint or warrant charging the offense  
24 includes a specification of sexual motivation or if the  
25 prosecuting attorney files an allegation of sexual motivation,  
26 the state shall prove beyond a reasonable doubt that the  
27 defendant committed the offense with a sexual motivation.

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

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

10           "(e) If there is a finding of sexual motivation, the  
11 finding shall be made part of the record of conviction or  
12 adjudication.

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

17           "(g) This section shall not apply to sex offenses as  
18 defined in subdivisions (1) to (38), inclusive, of Section  
19 15-20A-5.

20           "§15-20A-7.

21           "(a) The following registration information, unless  
22 otherwise indicated, shall be provided by the sex offender  
23 when registering:

24           "(1) Name, including any aliases, nicknames, ethnic,  
25 or tribal names.

26           "(2) Date of birth.

27           "(3) Social Security number.

1           "(4) Address of each residence.

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

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

10           "(7) The license plate number, registration number  
11 or identifier, description, and permanent or frequent location  
12 where all vehicles are kept for any vehicle used for work or  
13 personal use, including land vehicles, aircraft, and  
14 watercraft.

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

17           "(9) Any email addresses or instant message address  
18 or identifiers used, including any designations or monikers  
19 used for self-identification in Internet communications or  
20 postings.

21           "(10) A current photograph.

22           "(11) A physical description of the sex offender  
23 including physical appearance, physical characteristics, and  
24 identifying marks such as scars and tattoos.

25           "(12) Fingerprints and palm prints.

26           "(13) A DNA sample. The DNA sample may be collected  
27 by the probation officer, sheriff, chief of police, or other



1 responsible agency. Prior to collecting a DNA sample, the  
2 responsible agency shall determine if a DNA sample has already  
3 been collected for the sex offender by checking the Dru Sjodin  
4 National Sex Offender Public Registry website, the Alabama  
5 Department of Forensic Sciences DNATracker site, or with the  
6 Alabama State Law Enforcement Agency ~~Department of Public~~  
7 ~~Safety~~. If a DNA sample has not been previously collected for  
8 the sex offender, the responsible agency shall coordinate for  
9 the collection of a DNA sample with the sheriff of the county  
10 in which the registration is occurring. The collection of a  
11 DNA sample should be performed using materials recommended or  
12 provided by the Alabama Department of Forensic Sciences. The  
13 DNA sample shall be immediately forwarded by the entity  
14 collecting the sample to the Department of Forensic Sciences.

15 "(14) A photocopy of the valid driver license or  
16 identification card.

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

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

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

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

1           "~~(18)~~(19) Any other information deemed necessary by  
2 the ~~Director~~ Secretary of the ~~Department of Public Safety~~  
3 Alabama State Law Enforcement Agency.

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

9           "(1) A current photograph.

10          "(2) Fingerprints or palm prints.

11          "(3) A DNA sample.

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

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

16           "(c) The registration information shall be  
17 transmitted to the ~~Department of Public Safety~~ Alabama State  
18 Law Enforcement Agency in a manner determined by the ~~director~~  
19 secretary of the department and promulgated in rule by the  
20 ~~director~~ secretary upon recommendation of an advisory board  
21 consisting of representatives of the office of the Attorney  
22 General, District Attorneys Association, Chiefs of Police  
23 Association, Sheriffs Association, and the ~~Department of~~  
24 Public Safety Alabama State Law Enforcement Agency. The  
25 advisory board members shall not receive any compensation or  
26 reimbursement for serving on the advisory board.

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

9           "(e) All required registration information shall be  
10 stored electronically in a manner determined by the ~~Director~~  
11 Secretary of the ~~Department of Public Safety~~ Alabama State Law  
12 Enforcement Agency and shall be available in a digitized  
13 format by the ~~Department of Public Safety~~ Alabama State Law  
14 Enforcement Agency to anyone entitled to receive the  
15 information as provided in Section 15-20A-42.

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

20           "§15-20A-8.

21           "(a) All of the following registration information  
22 shall be provided on the public registry website maintained by  
23 the ~~Department of Public Safety~~ Alabama State Law Enforcement  
24 Agency and may be provided on any community notification  
25 documents:

26           "(1) Name, including any aliases, nicknames, ethnic,  
27 or Tribal names.

1                   "(2) Address of each residence.

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

7                   "(4) Address of any employer where the sex offender  
8 works or will work, including any transient or day laborer  
9 information.

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

13                   "(6) A current photograph.

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

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

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

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

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

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

27                   "(2) Social Security number.

1           "(3) Travel and immigration document numbers.

2           "(4) Victim identity.

3           "(5) Internet identifiers.

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

8           "(d) All information shall immediately be posted on  
9 the public registry website upon receipt of the information by  
10 the ~~Department of Public Safety~~ Alabama State Law Enforcement  
11 Agency.

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

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

17           "(g) The website shall include instructions on how  
18 to seek correction of information that a person contends is  
19 erroneous.

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

26           "§15-20A-9.

1           "(a) At least 30 days prior to release, or  
2 immediately upon notice of release if release is less than 30  
3 days, of an adult sex offender from the county jail, municipal  
4 jail, Department of Corrections, or any other facility that  
5 has incarcerated the adult sex offender, or immediately upon  
6 conviction, if the adult sex offender is not incarcerated, ~~the~~  
7 ~~responsible agency shall:~~

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

19           "(2) If the adult sex offender declares his or her  
20 intent to reside within this state, the responsible agency  
21 shall immediately notify and provide the required registration  
22 information to the ~~Department of Public Safety~~ Alabama State  
23 Law Enforcement Agency, the Attorney General, the district  
24 attorney in the county of conviction, and local law  
25 enforcement where the adult sex offender intends to reside.  
26 The notification shall also include any other information  
27 available to the responsible agency which would be necessary

1 to identify and trace the adult sex offender, including, but  
2 not limited to, each sex offense history or a copy of the  
3 pre-sentence investigation of the sex offense and the release  
4 date of the adult sex offender.

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

19 "(4) If an adult sex offender is not able to provide  
20 a residence prior to the time of release, then the responsible  
21 agency shall notify the sheriff of the county where the last  
22 conviction for a sex offense or violation of this chapter took  
23 place at least five days prior to the release of the adult sex  
24 offender. Upon notice of the release date from the responsible  
25 agency, the sheriff of the county of the last conviction for a  
26 sex offense or a violation of this chapter shall make  
27 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  
26 non-compliance with this section and shall not be allowed  
27 early release, but instead shall forfeit all correctional



1 incentive time that has accrued pursuant to Section 14-9-41,  
2 or other good time allowed by law.

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

6 "§15-20A-10.

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

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

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

25 "(c) (1) Immediately upon transferring or terminating  
26 any residence, employment, or school attendance, the adult sex  
27 offender shall appear in person to notify local law

1 enforcement in each county in which the adult sex offender is  
2 transferring or terminating residence, employment, or school  
3 attendance.

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

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

20 "(e) Upon changing any required registration  
21 information the adult sex offender shall immediately appear in  
22 person and update the information with local law enforcement  
23 in each county in which the adult sex offender resides.

24 Provided, however, any changes in telephone numbers, email  
25 addresses, instant message addresses, or other on-line  
26 identifiers or internet service providers may be reported to  
27 local law enforcement in person, electronically, or

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

3 "(f) An adult sex offender shall appear in person to  
4 verify all required registration information during the adult  
5 sex offender's birth month and every three months thereafter,  
6 regardless of the month of conviction, for the duration of the  
7 adult sex offender's life with local law enforcement in each  
8 county in which the adult sex offender resides.

9 "(g) At the time of registration, the adult sex  
10 offender shall be provided a form explaining any and all  
11 duties and restrictions placed on the adult sex offender. The  
12 adult sex offender shall read and sign this form stating that  
13 he or she understands the duties and restrictions imposed by  
14 this chapter. If the adult sex offender refuses to sign the  
15 form, the designee of the registering agency shall sign the  
16 form stating that the requirements have been explained to the  
17 adult sex offender and that the adult sex offender refused to  
18 sign.

19 "(h) For purposes of this section, a school includes  
20 an educational institution, public or private, including a  
21 secondary school, a trade or professional school, or an  
22 institution of higher education.

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

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

3                   "§15-20A-11.

4                   "(a) No adult sex offender shall establish a  
5 residence, maintain a residence after release or conviction,  
6 or establish any other living accommodation within 2,000 feet  
7 of the property on which any school or childcare facility is  
8 located unless otherwise exempted pursuant to Sections  
9 15-20A-23 and 15-20A-24.

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

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

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

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

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

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

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

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

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

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

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

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

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

10           "(4) Whenever an adult sex offender vacates his or  
11 her residence or fails to spend three or more consecutive days  
12 at his or her residence without previously notifying local law  
13 enforcement or obtaining a travel permit pursuant to Section  
14 15-20A-15.

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

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

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

26           "§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.

26           "b. Date of birth.

27           "c. Social Security number.

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

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

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

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

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

19 "§15-20A-13.

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

25 "(b) No adult sex offender shall apply for, accept,  
26 or maintain employment or volunteer for any employment or  
27 vocation within 2,000 feet of the property on which a school



1 or childcare facility is located unless otherwise exempted  
2 pursuant to Sections 15-20A-24 and 15-20A-25.

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

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

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

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

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

24 "§15-20A-14.

25 "(a) Any adult sex offender who declares he or she  
26 is entering the state to establish a residence or who enters  
27 this state ~~and establishes~~ to establish a residence shall

1 immediately appear in person and register all required  
2 registration information with local law enforcement in the  
3 county ~~of residence~~ where the adult sex offender intends to  
4 establish or establishes a residence.

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

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

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

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

24 "§15-20A-15.

25 "(a) ~~If~~ Prior to an adult sex offender ~~intends to~~  
26 temporarily ~~be away~~ leaving from his or her county of  
27 residence for a period of three or more consecutive days, the

1 adult sex offender shall report such information in person  
2 immediately prior to leaving his or her county of residence  
3 for such travel to ~~local law enforcement~~ the sheriff in each  
4 county of residence.

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

8 "(c) If a sex offender intends to travel to another  
9 country, he or she shall report in person ~~local law~~  
10 ~~enforcement~~ the sheriff in each county of residence at least  
11 21 days prior to such travel. Any information reported to  
12 ~~local law enforcement~~ the sheriff in each county of residence  
13 shall immediately be reported to the United States Marshals  
14 Service and the ~~Department of Public Safety~~ Alabama State Law  
15 Enforcement Agency.

16 "(d) The travel permit shall explain the duties of  
17 the adult sex offender regarding travel. The adult sex  
18 offender shall sign the travel permit stating that he or she  
19 understands the duties required of him or her. If the adult  
20 sex offender refuses to sign the travel permit form, the  
21 travel permit shall be denied.

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

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

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

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

8           "§15-20A-16.

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

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

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

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

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

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

7           "(4) The district attorney or prosecuting attorney  
8           shall be notified of the hearing and shall have the right to  
9           be present and heard.

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

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

17           "§15-20A-17.

18           "(a) (1) No adult sex offender, after having been  
19           convicted of a sex offense involving a minor, shall loiter on  
20           or within 500 feet of the property line of any property on  
21           which there is a school, childcare facility, playground, park,  
22           athletic field or facility, school bus stop, college or  
23           university, or any other business or facility having a  
24           principal purpose of caring for, educating, or entertaining  
25           minors.

26           "(2) Under this subsection, loiter means to enter or  
27           remain on property while having no legitimate purpose or, if a

1 legitimate purpose exists, remaining on that property beyond  
2 the time necessary to fulfill that purpose. An adult sex  
3 offender does not violate this subsection unless he or she has  
4 first been asked to leave a prohibited location by a person  
5 authorized to exclude the adult sex offender from the  
6 premises. An authorized person includes, but is not limited  
7 to, any law enforcement officer, security officer, any owner  
8 or manager of the premises, a principal, teacher, or school  
9 bus driver if the premises is a school, childcare facility, or  
10 bus stop, a coach, if the premises is an athletic field or  
11 facility, or any person designated with that authority.

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

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

22 "a. Notifies the principal of the school, or his or  
23 her designee, before entering onto the property or attending  
24 the K-12 school activity.

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

1           "c. Complies with any procedures established by the  
2 school to monitor the whereabouts of the sex offender for the  
3 duration of his or her presence on the school property or  
4 attendance at the K-12 school activity. For a public K-12  
5 school, the local school board shall adopt a policy to  
6 effectuate this section.

7           "(2) Procedures established to effectuate this  
8 subsection are limited to rules that allow the principal of  
9 the school, or his or her designee, to discreetly monitor the  
10 adult sex offender.

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

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

20           "§15-20A-18.

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

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

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

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

24 "(d) Upon obtaining or renewing a driver license or  
25 identification card bearing a designation that enables law  
26 enforcement officers to identify the licensee as a sex  
27 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  
26 and that can produce upon request reports or records of the  
27 person's presence near or within a crime scene or prohibited

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

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

17 "(c) Any person designated a sexually violent  
18 predator pursuant to Section 15-20A-19, upon release from  
19 incarceration, shall be subject to electronic monitoring  
20 supervised by the Board of Pardons and Paroles, as provided in  
21 subsection (a), for a period of no less than 10 years from the  
22 date of the sexually violent predator's release. This  
23 requirement shall be imposed by the sentencing court as a part  
24 of the sentence of the sexually violent predator in accordance  
25 with subsection (c) of Section 13A-5-6.

26 "(d) Any person convicted of a Class A felony sex  
27 offense involving a child as defined in Section 15-20A-4, upon

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

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

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

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

24 "(h) The procurement of any product or services  
25 necessary for compliance with Act 2005-301, including any  
26 system of electronic monitoring, any equipment, and the

1 building of a website, shall be subject to the competitive bid  
2 process.

3 "§15-20A-21.

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

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

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

25 "(3) In all other municipalities with a resident  
26 population of less than 5,000, and in all unincorporated  
27 areas, the sheriff of the county in which the adult sex

1 offender intends to reside shall notify all persons who have a  
2 legal residence within 2,000 feet of the declared residence of  
3 the adult sex offender and all schools and childcare  
4 facilities within three miles of the declared residence of the  
5 adult sex offender that the adult sex offender will be  
6 establishing or has established his or her residence.

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

18 "(c) Nothing in this chapter shall be construed as  
19 prohibiting the ~~Director~~ Secretary of the ~~Department of Public~~  
20 ~~Safety~~ Alabama State Law Enforcement Agency, a sheriff, or a  
21 chief of police from providing community notification under  
22 the provisions of this chapter by regular mail,  
23 electronically, or by publication or periodically to persons  
24 whose legal residence is within the guidelines of this chapter  
25 or more than the applicable distance from the residence of an  
26 adult sex offender.

1           "(d) When an adult sex offender declares that he or  
2           she is homeless, notification shall be provided by posting a  
3           copy of the notice in a prominent place at the office of the  
4           sheriff and at the police station closest to the declared  
5           residence of the released adult sex offender, publicizing the  
6           notice in a local newspaper, or posting the notice  
7           electronically, including the Internet or other means  
8           available.

9           "§15-20A-22.

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

15           "(b) Each time an adult sex offender terminates his  
16 or her residence and establishes a new residence, he or she  
17 shall pay a registration fee in the amount of ten dollars  
18 (\$10) to each registering agency where the adult sex offender  
19 establishes a new residence.

20           "(c) If, at the time of registration, the adult sex  
21 offender is unable to pay the registration fee, the  
22 registering agency may require the adult sex offender to pay  
23 the fee in installments not to exceed 90 days. The registering  
24 agency shall waive the registration fee if the adult sex  
25 offender has an order from the court declaring his or her  
26 indigence. In the event the adult sex offender is determined  
27 to be indigent, a periodic review of the adult sex offender's

1 indigent status shall be conducted by the court to determine  
2 if the offender is no longer indigent. Further, if the  
3 offender is determined to be indigent by the sentencing court,  
4 nothing in this chapter shall prohibit the offender from being  
5 placed on a payment plan where the entire fee is collected in  
6 total.

7 "(d) (1) The fees collected under this section shall  
8 be appropriated to the registering agency to defray the costs  
9 of associated with sex offender registration, verification,  
10 and notification.

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

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

22 "(4) Any and all registration fees collected by a  
23 chief of police, or his or her designee, shall be deposited  
24 into the municipal general fund and made available to the  
25 affected law enforcement agency or department upon requisition  
26 of the chief law enforcement official of such agency or  
27 department and shall be used for any lawful purpose related to

1 sex offender registration, notification, tracking or  
2 apprehension.

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

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

14 "§15-20A-23.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           "(h) The court shall send a copy of any order  
25 releasing a sex offender from ~~any~~ residency restrictions  
26 pursuant to subsection (a) of Section 15-20A-11 to the

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

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

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

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

21 "(l) No sex offender petitioning the court under  
22 this section for an order terminating the sex offender's  
23 obligation to comply with the residency restrictions is  
24 entitled to publicly funded experts or publicly funded  
25 witnesses.

1           "(m) The state may petition the court to reinstate  
2 the restrictions pursuant to subsection (a) of Section  
3 15-20A-11 for good cause shown.

4           "(n) Notwithstanding any state or local rule  
5 assigning costs and fees for filing and processing civil and  
6 criminal cases, a petition ~~filed 30 or more days after~~  
7 ~~sentencing~~ shall be assessed a filing fee in the amount of two  
8 hundred dollars (\$200) to be distributed as provided in  
9 Section 15-20A-46.

10           "(o) 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           "(p) 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-24.

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

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

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

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

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

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

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

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

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

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

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

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

25           "(1) If the adult or youthful offender sex offender  
26 was adjudicated or convicted in this state, the petition for  
27 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.

26 "d. Local law enforcement where the adult sex  
27 offender resides.

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

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

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

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

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

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

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

25           "(f) Upon notification of the petition, the  
26 prosecuting attorney shall make reasonable efforts to notify  
27 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 "(g) 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 "(h) In determining whether to grant relief, the  
7 court may consider any of the following:

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

12 "(2) Recommendations from the prosecuting attorney.

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

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

17 "(5) The relationship of the parties.

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

19 "(7) The protection of society.

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

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



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

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

9           "(l) If a sex offender was adjudicated or convicted  
10 of any of the offenses specified in subsection (a) prior to  
11 July 1, 2011, and meets the eligibility requirements specified  
12 in subsection (b), except as otherwise provided for in  
13 subsection (k), the sex offender may petition the court for  
14 relief pursuant to this section.

15           "(m) Notwithstanding any state or local law or rule  
16 assigning costs and fees for filing and processing civil and  
17 criminal cases, except when this relief is sought at the time  
18 of sentencing or disposition, a petition ~~filed 30 or more days~~  
19 ~~after sentencing~~ shall be assessed a filing fee in the amount  
20 of two hundred dollars (\$200) to be distributed as provided in  
21 Section 15-20A-46.

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

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

1           "§15-20A-25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           "(1) A certified copy of the adjudication or  
19 conviction requiring registration, including a detailed  
20 description of the sex offense, if the petition is filed after  
21 sentencing.

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

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

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

6           "(5) Justification as to why the court should grant  
7 relief.

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

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

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

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

20            "(1) The nature of the offense.

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

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

24            "(4) Any other information deemed relevant by the  
25 court.

26          "(g) If the court grants the petition, the court  
27 shall enter an order detailing the relief granted and provide

1 a copy of the order to the prosecuting attorney where the  
2 petition was filed and to the ~~Department of Public Safety~~  
3 Alabama State Law Enforcement Agency.

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

9 "(i) The state may petition the court to reinstate  
10 the restrictions pursuant to subsection (b) of Section  
11 15-20A-13 for good cause shown.

12 "(j) Notwithstanding any state or local law or rule  
13 assigning costs and fees for filing and processing civil and  
14 criminal cases, except when this relief is sought at the time  
15 of sentencing, a petition ~~filed 30 or more days after~~  
16 ~~sentencing~~ shall be assessed a filing fee in the amount of two  
17 hundred dollars (\$200) to be distributed as provided in  
18 Section 15-20A-46.

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

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

25 "§15-20A-26.

26 "(a) Upon adjudication of delinquency for a sex  
27 offense, a juvenile sex offender shall be required to receive

1 sex offender treatment by a sex offender treatment program or  
2 provider approved by the Department of Youth Services.

3 "(b) Upon completion of sex offender treatment, the  
4 juvenile sex offender shall be required to undergo a sex  
5 offender risk assessment. The treatment provider shall provide  
6 a copy of the risk assessment to the sentencing court, the  
7 prosecuting attorney, and the juvenile probation ~~officer~~  
8 office not less than 60 days prior to the projected release of  
9 the juvenile sex offender from a facility where the juvenile  
10 sex offender does not have unsupervised access to the public  
11 or immediately upon completion of the risk assessment if the  
12 juvenile sex offender is not in a facility where the juvenile  
13 sex offender does not have unsupervised access to the public.

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

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

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

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

10 "§15-20A-28.

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

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

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

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

21 "(4) Sexual torture, as provided by Section  
22 13A-6-65.1.

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

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

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

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

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

21           "(d) If a juvenile sex offender required to register  
22 under this chapter is civilly committed, hospitalized, or  
23 re-incarcerated for another offense or, as the result of  
24 having violated the terms of probation, parole, or aftercare,  
25 fails to register or fails to comply with the requirements of  
26 this act, the registration requirements and the remaining  
27 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.

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

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

5           "(4) Whether psychological or psychiatric profiles  
6 indicate a risk of recidivism.

7           "(5) The relationship between the juvenile sex  
8 offender and the victim.

9           "(6) The particular facts and circumstances  
10 surrounding the offense.

11           "(7) The level of planning and participation in the  
12 offense.

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

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

16           "(10) The response to treatment of the juvenile sex  
17 offender.

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

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

22           "(13) The protection of society.

23           "(14) Any other factors deemed relevant by the  
24 court.

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

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

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

1           "(3) If the risk of re-offense is high, the public  
2 shall receive notification as though the juvenile sex offender  
3 were an adult sex offender in accordance with Section  
4 15-20A-21.

5           "(c) The sentencing court shall enter an order  
6 stating whether the juvenile sex offender shall be subject to  
7 notification and the level of notification that shall be  
8 applied. The court shall provide a copy of the order to the  
9 prosecuting attorney and to the ~~Department of Public Safety~~  
10 Alabama State Law Enforcement Agency.

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

13           "§15-20A-29.

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

16           "(1) The ~~responsible agency shall require the~~  
17 juvenile sex offender and the parent, custodian, or guardian  
18 of the juvenile sex offender shall provide the required  
19 registration information to the responsible agency.

20           "(2) If the juvenile sex offender or the parent,  
21 guardian, or custodian of the juvenile sex offender declares a  
22 residence outside of the state, the responsible agency shall  
23 immediately notify the ~~Department of Public Safety~~ Alabama  
24 State Law Enforcement Agency and the designated state law  
25 enforcement agency of the state to which the juvenile sex  
26 offender or the parent, guardian, or custodian of the juvenile  
27 sex offender has declared the residence. The notification

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

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

18 "(b) When a juvenile sex offender becomes the age of  
19 majority, the parent, guardian, or custodian of the juvenile  
20 sex offender shall no longer be subject to this section and  
21 the juvenile sex offender shall instead be solely responsible  
22 for all requirements pursuant to this section.

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

25 "§15-20A-30.

26 "(a) Immediately upon release or immediately upon  
27 adjudication of delinquency if the juvenile sex offender is

1 not committed, the juvenile sex offender and the parent,  
2 custodian, or guardian shall register all required  
3 registration information with local law enforcement in each  
4 county in which the juvenile sex offender resides or intends  
5 to reside.

6 "(b) Whenever a juvenile sex offender establishes a  
7 new residence, the juvenile sex offender and the parent,  
8 custodian, or guardian of the juvenile sex offender shall  
9 immediately appear in person to register all required  
10 registration information with local law enforcement in each  
11 county of residence.

12 "(c) If the parent, custodian, or guardian of a  
13 juvenile sex offender transfers or terminates the residence of  
14 the juvenile sex offender, or the custody of the juvenile sex  
15 offender is changed to a different parent, custodian, or  
16 guardian resulting in a transfer of residence, the original  
17 parent, custodian, or guardian with custody shall immediately  
18 notify local law enforcement in each county of residence.

19 "(d) Whenever a juvenile sex offender changes any  
20 required registration information, the juvenile sex offender  
21 and the parent, custodian, or guardian of the juvenile sex  
22 offender shall immediately appear in person to update the  
23 required registration information with local law enforcement  
24 in each county in which the juvenile sex offender resides.

25 "(e) A juvenile sex offender required to register  
26 for life pursuant to Section 15-20A-28 shall appear in person  
27 with his or her parent, custodian, or guardian to verify all

1 required registration information during the birth month of  
2 the juvenile sex offender and every three months thereafter  
3 with the local law enforcement in each county of residence  
4 unless the juvenile sex offender has been relieved from  
5 registration requirements pursuant to Section 15-20A-34.

6 "(f) A juvenile sex offender required to register  
7 for 10 years pursuant to Section 15-20A-28 shall appear in  
8 person with his or her parent, custodian, or guardian to  
9 verify all required registration information during the birth  
10 month of the juvenile sex offender and every year thereafter  
11 with local law enforcement in each county of residence unless  
12 the juvenile sex offender has been relieved from registration  
13 requirements pursuant to Section 15-20A-24.

14 "(g) At the time of registration, the juvenile sex  
15 offender shall be provided a form explaining all duties and  
16 any restrictions placed on the juvenile sex offender. The  
17 juvenile sex offender and the parent, custodian, or guardian  
18 of the juvenile sex offender shall read and sign this form  
19 stating that he or she understands the duties and restrictions  
20 placed on the juvenile sex offender and his or her parent,  
21 custodian, or guardian.

22 "(h) When a juvenile sex offender becomes the age of  
23 majority, the parent, custodian, or guardian of the juvenile  
24 sex offender shall no longer be subject to the requirements of  
25 this section, and the juvenile sex offender shall instead be  
26 solely responsible for the requirements in this section.

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

3           "§15-20A-31.

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

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

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

17           "§15-20A-32.

18           "(a) A juvenile sex offender or youthful offender  
19 sex offender, or equivalent thereto, who is not currently a  
20 resident of this state, shall immediately appear in person and  
21 register all required registration information upon  
22 establishing a residence, accepting employment, or beginning  
23 school attendance in this state with local law enforcement in  
24 each county where the juvenile sex offender or youthful  
25 offender sex offender resides or intends to reside, accepts  
26 employment, or begins school attendance.



1           "(b) Within 30 days of initial registration, the  
2 juvenile sex offender or youthful offender sex offender shall  
3 provide each registering agency with a certified copy of his  
4 or her sex offense adjudication; however, a juvenile sex  
5 offender or youthful offender sex offender shall be exempt  
6 under this subsection if the court of adjudication seals the  
7 records and refuses to provide a certified copy or the records  
8 have been destroyed by the court.

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

13           "(d) Whenever a youthful offender sex offender, or  
14 equivalent thereto, enters this state to establish a  
15 residence, he or she shall be subject to the requirements of  
16 this chapter as it applies to youthful offender sex offenders  
17 in this state.

18           "(e) A juvenile sex offender or youthful offender  
19 sex offender entering this state to accept employment or begin  
20 school attendance, but not to establish a residence, must  
21 immediately appear in person and register any subsequent  
22 changes to the required registration information with local  
23 law enforcement in each county where he or she is required to  
24 register.

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

27           "§15-20A-34.

1           "(a) A juvenile sex offender subject to lifetime  
2 registration pursuant to Section 15-20A-28 may file a petition  
3 requesting the sentencing juvenile court to enter an order  
4 relieving the juvenile sex offender of the requirements  
5 pursuant to this chapter 25 years after the juvenile sex  
6 offender is released from the custody of the Department of  
7 Youth Services or sentenced, if the juvenile sex offender was  
8 placed on probation, for the sex offense requiring  
9 registration pursuant to this chapter.

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

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

15           "(2) If the juvenile sex offender was adjudicated  
16 delinquent of a sex offense in a jurisdiction outside of this  
17 state, the petition shall be filed in the juvenile court of  
18 the county in which the juvenile sex offender resides.

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

21           "a. The prosecuting attorney in the county of  
22 adjudication, if the juvenile sex offender was adjudicated  
23 delinquent in this state.

24           "b. The prosecuting attorney of the county in which  
25 the juvenile sex offender resides.

1            "c. Local law enforcement where the juvenile sex  
2 offender was adjudicated delinquent, if the juvenile sex  
3 offender was adjudicated delinquent in this state.

4            "d. Local law enforcement where the juvenile sex  
5 offender resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

22           "(3) Recommendations from the prosecuting attorney.

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

25           "(5) The facts and circumstances surrounding the  
26 offense including, but not limited to, the age and number of  
27 victims, whether the act was premeditated, and whether the

1 offense involved the use of a weapon, violence, or infliction  
2 of serious bodily injury.

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

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

9 "(8) The protection of society.

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

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

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

19 "(j) Upon receipt of a copy of an order granting  
20 relief as provided in this section, the ~~Department of Public~~  
21 ~~Safety~~ Alabama State Law Enforcement Agency shall remove the  
22 juvenile sex offender from the public registry website. If the  
23 registering agencies maintain a local registry of sex  
24 offenders who are registered with their agencies, the  
25 registering agencies shall remove the registration information  
26 of the juvenile sex offender from the local sex offender  
27 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  
26 convicted of a sex offense. A youthful offender sex offender  
27 who is treated as a juvenile sex offender for purposes of this

1 chapter may not be released from the jurisdiction of the  
2 sentencing court until the youthful offender sex offender has  
3 undergone sex offender treatment and a risk assessment as  
4 required by Section 15-20A-26.

5 "§15-20A-36.

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

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

17 "§15-20A-37.

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

25 "(b) When a sex offender fails to register or cannot  
26 be located, an effort shall immediately be made by the sheriff  
27 in the county in which the sex offender failed to register or

1 is unable to be located to determine whether the sex offender  
2 has absconded.

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

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

13 "(1) The sheriff of the county in which the sex  
14 offender has absconded shall immediately obtain a warrant for  
15 the arrest of the sex offender.

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

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

24 "(4) The ~~Department of Public Safety~~ Alabama State  
25 Law Enforcement Agency shall immediately notify the Criminal  
26 Justice Information Center, who shall immediately notify the  
27 National Criminal Information Center.



1           "~~5) The Department of Public Safety~~ Alabama State  
2 Law Enforcement Agency shall immediately notify the National  
3 Sex Offender Registry to reflect that the sex offender has  
4 absconded and enter the information into the National Crime  
5 Center Wanted Person File.

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

12           "§15-20A-38.

13           "(a) If a sex offender escapes from a state or local  
14 correctional facility, juvenile detention facility, or any  
15 other facility that would not permit unsupervised access to  
16 the public, the responsible agency, within 24 hours, shall  
17 notify the ~~Department of Public Safety~~ Alabama State Law  
18 Enforcement Agency, local law enforcement who had jurisdiction  
19 at the time of adjudication or conviction of the sex offense,  
20 the sheriff of the county and each chief of police of every  
21 municipality in the county where the sex offender escaped, and  
22 the United States Marshals Service.

23           "(b) The responsible agency shall provide each law  
24 enforcement agency listed in subsection (a) with the following  
25 information:

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

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

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

5           "(4) A copy of the fingerprints and current  
6 photograph of the sex offender and a summary of the criminal  
7 record of the sex offender.

8           "§15-20A-39.

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

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

21           "(2) Allows a sex offender to reside at his or her  
22 residence to avoid registration if the address is not the  
23 address the sex offender listed as his or her residence  
24 address.

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

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

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

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

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

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

15           "§15-20A-40.

16           "(a) It is the intent of the Legislature that a  
17 duplicate of a certified copy of a public record be admissible  
18 and is not dependent on the original custodian of record to  
19 gain admissibility. Further, the Legislature finds that the  
20 certification by the clerk of the court and the certification  
21 by the Alabama State Law Enforcement Agency, formerly the  
22 Department of Public Safety, assures reliability and  
23 trustworthiness.

24           "(b) The clerk of the court shall forward a  
25 certified copy of a sex offender's adjudication or conviction  
26 to the Alabama State Law Enforcement Agency, formerly the  
27 Department of Public Safety, within 30 days of ~~sentencing~~

1 receipt of the order of adjudication or conviction of any of  
2 the offenses listed in Section 15-20A-5.

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

8 "(d) Upon the request of any of the agencies listed  
9 in subsection (c), the custodian of records, or its designee,  
10 of the Alabama State Law Enforcement Agency, formerly the  
11 Department of Public Safety shall immediately certify all of  
12 the following:

13 "(1) That the Alabama State Law Enforcement Agency,  
14 formerly the Department of Public Safety received the  
15 certified copy of the sex offender's conviction or  
16 adjudication from the clerk of the court pursuant to  
17 subsection (b).

18 "(2) That the original certified copy received from  
19 the clerk of the court remains in the possession of the  
20 Alabama State Law Enforcement Agency, formerly the Department  
21 of Public Safety.

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

24 "(e) Upon certification by the Alabama State Law  
25 Enforcement Agency, formerly the Department of Public Safety  
26 as provided in subsection (d), the Alabama State Law  
27 Enforcement Agency, formerly the Department of Public Safety

1 shall immediately forward the certified documents to the  
2 requesting agency.

3 "(f) Notwithstanding any other law or rule of  
4 evidence, a certified copy of the record of adjudication or  
5 conviction as defined in subsection (b), provided by the  
6 Alabama State Law Enforcement Agency, formerly the Department  
7 of Public Safety as provided in subsection (d), shall be proof  
8 of the sex offender's adjudication or conviction of a sex  
9 offense and shall be admissible into evidence, without further  
10 proof, in any court in this state.

11 "(g) For the purpose of this section, the term  
12 conviction or adjudication shall mean a final conviction or  
13 adjudication, regardless of whether the conviction or  
14 adjudication is on appeal.

15 "(h) Any clerk of a court, who willfully or  
16 intentionally fails to report any such conviction or  
17 adjudication in his or her court shall be guilty of a Class A  
18 misdemeanor.

19 "§15-20A-42.

20 "(a) Any jurisdiction or agency responsible for  
21 registering a sex offender shall immediately forward all  
22 required registration information and any changes to the  
23 required registration information received to the ~~Department~~  
24 ~~of Public Safety~~ Alabama State Law Enforcement Agency in a  
25 manner determined by the ~~director~~ Secretary of the ~~department~~  
26 Alabama State Law Enforcement Agency and promulgated in rule  
27 by the ~~director~~ secretary upon recommendation of an advisory

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

7 "(b) Upon notification or discovery of the death of  
8 a sex offender, the registering agency shall immediately  
9 notify the ~~Department of Public Safety~~ Alabama State Law  
10 Enforcement Agency.

11 "(c) The ~~Department of Public Safety~~ Alabama State  
12 Law Enforcement Agency shall immediately enter all  
13 registration information received into its sex offender  
14 database.

15 "(d) All information received by the ~~Department of~~  
16 ~~Public Safety~~ Alabama State Law Enforcement Agency shall be  
17 immediately forwarded to the following by the ~~Department of~~  
18 ~~Public Safety~~ Alabama State Law Enforcement Agency:

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

23 "(2) The Sex Offender Registration and Notification  
24 Act Exchange Portal.

25 "(3) The National Sex Offender Registry.

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

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

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

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

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

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

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

23          "(g) The sheriff of each county shall maintain a  
24 register or roster of the names of all persons registered by  
25 him or her pursuant to this chapter. The information contained  
26 in the register or roster shall be made available, upon  
27 request, to all federal, state, county, and municipal law

1 enforcement agencies, prosecuting attorneys, or probation  
2 officers for the administration, implementation, or  
3 enforcement of this chapter.

4 "§15-20A-43.

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

15 "§15-20A-45.

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

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

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



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

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

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

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

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

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

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

24           "c. If the warrant was requested by a municipality,  
25 any proceeds from this subdivision shall be deposited into the  
26 municipal general fund and made available to the affected law  
27 enforcement agency or department upon requisition of the chief

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

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

10 "§15-20A-44.

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

16 "(b) The ~~Director~~ Secretary of the ~~Department of~~  
17 ~~Public Safety~~ Alabama State Law Enforcement Agency shall  
18 promulgate rules setting forth a listing of offenses from  
19 other jurisdictions that are to be considered criminal sex  
20 offenses under subdivision (33) of Section 15-20A-5.  
21 Thereafter, any individual convicted of any offense set forth  
22 in the listing shall immediately be subject to this chapter  
23 and shall not be entitled to an administrative hearing as  
24 provided in subsection (a).

25 "(c) The ~~Director~~ Secretary of the ~~Department of~~  
26 ~~Public Safety~~ Alabama State Law Enforcement Agency shall have

1 the authority to promulgate any rules as are necessary to  
2 implement and enforce this chapter.

3 "§15-20A-46.

4 "(a) The two hundred dollar (\$200) filing fee paid  
5 by a sex offender who petitions the court for relief pursuant  
6 to Sections 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, or  
7 15-20A-34 shall be distributed as follows:

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

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

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

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

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

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

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

3           "§15-22-27.3.

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

8           "§32-6-49.24.

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

16           "(2) If a person who is registered as a sex offender  
17 pursuant to Chapter 20A of Title 15, formerly Article 2 of  
18 Chapter 20 of Title 15 on July 10, 2010, has a valid  
19 commercial driver license with a P or an S endorsement that  
20 was issued on or before July 10, 2010, then the person is not  
21 disqualified under this subsection until that license expires,  
22 provided the person does not commit a subsequent offense that  
23 requires registration as a sex offender under Chapter 20A of  
24 Title 15, formerly Article 2 of Chapter 20 of Title 15.

25           "(b) The department shall revoke the commercial  
26 driver license with a P or an S endorsement of any person  
27 convicted of any offense on or after July 10, 2010, that

1 requires registration as a sex offender under Chapter 20A of  
2 Title 15, formerly Article 2 of Chapter 20 of Title 15.

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

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

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

18 "(4) If the department is unable to access either  
19 the statewide registry or all information of other states  
20 contained in the National Sex Offender Public Registry, but  
21 the person is otherwise qualified to obtain a commercial  
22 driver license with a P or an S endorsement, then the  
23 department shall issue the commercial driver license with the  
24 P or S endorsement, but shall first require the person to sign  
25 an affidavit stating that the person does not appear on either  
26 the statewide registry or the National Sex Offender Public  
27 Registry. The department shall search the statewide registry

1 and the National Sex Offender Public Registry for the person  
2 within a reasonable time after access to the statewide  
3 registry or the National Sex Offender Public Registry is  
4 restored. If the person does appear in either registry, the  
5 person is in violation of this section, and the department  
6 shall immediately cancel the commercial driver license and  
7 shall promptly notify the district attorney of the circuit  
8 where the person resides of the offense.

9 "(5) Any person denied a commercial driver license  
10 with a P or an S endorsement pursuant to this subsection shall  
11 have a right to file an appeal to the department within 30  
12 days thereafter for a hearing in the matter. The department  
13 shall set the matter for a hearing within 30 days in order to  
14 take testimony and examine the facts of the case and determine  
15 whether the petitioner is entitled to a commercial driver  
16 license with a P or an S endorsement under this subsection.

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

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

1                   "§36-18-24.

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

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

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

13                   "(3) Creating and maintaining DNA quality control  
14 standards.

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

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

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

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

25                   "(2) Persons confined as of May 6, 1994, under a  
26 sentence of imprisonment or involuntary incarceration or

1 confinement in a prison, jail, or other incarceration facility  
2 as a result of any felony conviction.

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

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

10 "(5) Persons convicted or sentenced after May 6,  
11 1994, for any of the offenses enumerated above and serving a  
12 sentence of probation, suspended sentence, or other sentence  
13 or judgment not requiring immediate incarceration.

14 "(6) Subject to subdivision (3) of subsection (c) of  
15 Section 36-18-25, persons arrested on or after October 1,  
16 2010, for any felony offense or for any sexual offense  
17 including, but not limited to, those that would require  
18 registration pursuant to the Alabama Sex Offender Registration  
19 and Community Notification Act, Article 2, commencing with  
20 Section ~~15-20-20~~ 15-20A-1, of Chapter ~~20~~ 20A, Title 15, former  
21 Community Notification Act, Article 2, of Chapter 20 of Title  
22 15.

23 "§36-18-25.

24 "(a) All persons convicted of a criminal offense as  
25 set out in Section 36-18-24 shall, when requested by the  
26 director submit to the taking of a DNA sample or samples as  
27 may be specified by the director, provided, however, the



1 director shall promulgate such rules and regulations as may be  
2 necessary for the purposes of ensuring that DNA samples are  
3 collected in a medically approved manner.

4 "(b) As of May 6, 1994, all persons serving any  
5 sentence of probation for any of the offenses set out in  
6 Section 36-18-24 shall, when requested by the director, submit  
7 to the taking of a DNA sample or samples as specified by the  
8 director. Upon the refusal of any such person to so submit the  
9 sentencing court shall order such submission as a mandatory  
10 condition of probation.

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

22 "(2) For purposes of this chapter, a juvenile who is  
23 arrested for an offense covered by this chapter or adjudicated  
24 delinquent for the commission of a felony-grade delinquent act  
25 shall be considered a person who is arrested for a felony or  
26 other specified offense.

1           ~~"(3) Notwithstanding the other provisions of this~~  
2 ~~section, any person arrested for a felony offense or a sexual~~  
3 ~~offense, including a juvenile pursuant to subdivision (2),~~  
4 ~~shall consent in writing freely and voluntarily to provide a~~  
5 ~~DNA sample and shall be informed that they are providing~~  
6 ~~written permission without any threats or promises. The person~~  
7 ~~shall have the right to refuse to provide a sample pursuant to~~  
8 ~~subdivision (1) or (2) without penalty. The refusal may not be~~  
9 ~~used as evidence against the person in any proceeding.~~

10           ~~"(4) (3)~~ If it is determined that the person's DNA  
11 sample has been included in the DNA database, and has not been  
12 subject to a court's order expunging the record from the DNA  
13 database, no additional sample is required.

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

20           "(e) As of May 6, 1994, all persons convicted for  
21 any offense set out in Section 36-18-24 and under any sentence  
22 of confinement to any incarceration facility, shall, when  
23 requested by the director, submit to the taking of a DNA  
24 sample or samples as specified by the director. Upon the  
25 refusal of any such person to so submit, the custodian of the  
26 incarceration facility shall require such submission as a  
27 mandatory condition of any temporary, partial, or limited

1 release, including, but not limited to, work release,  
2 furlough, or other incentive release.

3 "(f) As of May 6, 1994, all persons convicted of any  
4 of the offenses set out in Section 36-18-24, shall be ordered  
5 by the sentencing court to submit to the taking of a DNA  
6 sample or samples as may be specified by the director as part  
7 of the sentence to be imposed.

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

15 "(h) Nothing in this article shall be construed as  
16 creating a cause of action against the state or any of its  
17 agencies, officials, employees, or political subdivisions  
18 based on the performance of any duty imposed by this article  
19 or the failure to perform any duty imposed by this article.

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

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

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

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

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

14           "§38-13-2.

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

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

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

22           "(3) APPLICANT. A person or entity who submits an  
23 application for license as a child care or adult care facility  
24 to the Department of Human Resources or a child placing  
25 agency, or an application for employment or for a volunteer  
26 position to a Department of Human Resources licensed child  
27 care or adult care facility. With regards to child care and

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

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

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

21 "(6) CARETAKER SETTING. A building, structure, or  
22 location, public or private property, or vehicle, utilized for  
23 or involved in the providing of care, education, training,  
24 instruction, or supervision of children, adults, or  
25 individuals with disabilities or transportation in connection  
26 with activity provided by a licensed, approved, or certified  
27 child or adult care facility.

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

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

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

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

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

18           "(12) CRIMINAL HISTORY BACKGROUND INFORMATION CHECK.  
19 The review of any and all records containing any information  
20 collected and stored in the criminal record repository of the  
21 Federal Bureau of Investigation, the Alabama Criminal Justice  
22 Information Center, and the Alabama Department of Public  
23 Safety involving an arrest or conviction by a criminal justice  
24 agency, including, but not limited to, child abuse crime  
25 information as defined by 42 U.S.C. § 5119, the National Child  
26 Protection Act of 1993, conviction record information,  
27 fingerprint cards, correctional data and release information,

1 and identifiable descriptions and notations of convictions.  
2 Criminal history background information shall not include any  
3 analytical records or investigative reports that contain  
4 intelligence information or criminal investigation  
5 information.

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

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

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

17 "(16) EMPLOYEE. An individual currently in the  
18 service of an employer for compensation, full-time or  
19 part-time, and employed by contract or at will, in which the  
20 employer has the authority to control the person in the  
21 material details of how work shall be performed and when  
22 compensation shall be provided.

23 "(17) EMPLOYER. An individual, person, group of  
24 persons, association, partnership, corporation, limited  
25 liability company or partnership, business, or other entity  
26 which hires employees, has volunteers, or contracts with  
27 others to provide personnel to work with or provide care to

1 children, adults, or individuals with disabilities in a  
2 caretaker setting.

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

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

10 "(20) INDIVIDUAL. A natural person.

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

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

16 "(23) LICENSE. A license, permit, certification,  
17 approval, registration, or other form of permission required  
18 by law by whatever designation for a child care facility,  
19 adult care facility, child placing agency, foster parent or  
20 foster home, adoptive parent or adoptive home, or any other  
21 person or entity in which an individual has unsupervised  
22 access to children, the elderly, or individuals with  
23 disabilities.

24 "(24) LICENSED SOCIAL WORKER. A social worker  
25 licensed by the Alabama State Board of Social Work Examiners  
26 to conduct family home studies and psychosocial assessments in



1 adoptive or custody cases by court order or for treatment not  
2 otherwise required to conduct a criminal history check.

3 "(25) LICENSEE. Holder of a license or approval and  
4 an adult household member whose residence is in the home in  
5 regards to child care and adult care facilities in a home  
6 setting.

7 "(26) PERSON or ENTITY. A natural person, sometimes  
8 referred to as an individual, an owner or operator of any  
9 adult care facility, child care facility, child placing  
10 agency, exempt child care facility, or licensee, whether an  
11 individual, corporation, limited liability company or  
12 partnership, partnership, association, or other legal entity  
13 or group, and a board member, an officer, member, or partner  
14 of an entity who has direct contact with children, the  
15 elderly, or individuals with disabilities in care.

16 "(27) REASONABLE SUSPICION. Belief by a prudent  
17 person that reasonable articulable grounds exist to suspect  
18 that the employee's past or present behavior should be  
19 reviewed to determine if such behavior or conduct bears upon  
20 the individual's fitness to teach or supervise or have  
21 responsibility for the safety and well-being of children, the  
22 elderly, or persons with disabilities as defined in this  
23 chapter.

24 "(28) REPORT. A written statement of criminal  
25 history background information.

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

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

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

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

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

13          "d. Promoting prostitution in the first or second  
14 degree, as proscribed by Section 13A-12-111 or Section  
15 13A-12-112.

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

18          "f. Sexual misconduct, as proscribed by Section  
19 13A-6-65.

20          "g. Sexual torture, as proscribed by Section  
21 13A-6-65.1.

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

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

26          "j. Soliciting a child by computer for the purposes  
27 of committing a sexual act and transmitting obscene material

1 to a child by computer as proscribed by Sections 13A-6-110 and  
2 13A-6-111.

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

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

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

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

16 "(31) SUITABILITY CRITERIA.

17 "a. Convictions for any of the following crimes  
18 shall make an individual unsuitable for employment, volunteer  
19 work, approval, or licensure:

20 "1. Murder, manslaughter, or criminally negligent  
21 homicide.

22 "2. A sex crime.

23 "3. A crime that involves the physical or mental  
24 injury or maltreatment of a child, the elderly, or an  
25 individual with disabilities.

26 "4. A crime committed against a child.

1           "5. A crime involving the sale or distribution of a  
2 controlled substance.

3           "6. Robbery.

4           "7. A crime or offense committed in another state or  
5 under federal law which would constitute any of the above  
6 crimes in this state.

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

13           "c. The Department of Human Resources may set other  
14 disqualifying convictions by rule under the Administrative  
15 Procedure Act, Section 41-22-1, et seq., for Department of  
16 Human Resources licensed child or adult care facilities.

17           "(32) SUITABILITY DETERMINATION. A decision that an  
18 individual is or is not suitable for employment, volunteer  
19 work, or licensure based upon the existence of a prohibited  
20 criminal conviction.

21           "(33) UNSUPERVISED ACCESS TO A CHILD OR CHILDREN,  
22 THE ELDERLY, OR AN INDIVIDUAL WITH DISABILITIES. Contacts,  
23 interviews, questions, examinations, interaction, or  
24 communications outside the presence, supervision, and control  
25 of someone other than a child or elderly or disabled  
26 individual in care during the provision of care, education,

1 training, instruction, supervision, or other employment or  
2 license related activities.

3 "(34) VOLUNTEER. An individual who provides services  
4 without an express or implied promise of compensation, but  
5 shall not include the parent, family member, legal custodian,  
6 or legal guardian of a child, the elderly, or disabled  
7 individual in care.

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

10 "a. The name, address, date of birth, race, gender,  
11 and Social Security number appearing on a valid identification  
12 document as defined in subsection (d) of 18 U.S.C. § 1028. If  
13 the applicant does not have a Social Security number because  
14 of sincerely held personal beliefs, the Social Security number  
15 shall not be required and the Department of Human Resources  
16 and the Department of Public Safety shall provide an  
17 alternative means of identification and procedure.

18 b. Notice to the applicant or employee of the right  
19 to obtain a copy of the criminal history background  
20 information check report, challenge the accuracy and  
21 completeness of any information contained in the report, and  
22 to obtain a prompt determination as to the validity of a  
23 challenge.

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

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

3 "§38-13-4.

4 "(a) Every employer, child care facility, adult care  
5 facility, the Department of Human Resources, and child placing  
6 agency required to obtain a criminal history background  
7 information check pursuant to this chapter shall obtain, prior  
8 to or upon the date of employment, or issuance of a license or  
9 approval or renewal thereof, and maintain in the agency or  
10 personnel file, a request with written consent for the  
11 criminal history background information check and a statement  
12 signed by the applicant, volunteer, or employee indicating  
13 whether he or she has ever been convicted of a crime, and if  
14 so, fully disclosing all convictions. The statement shall  
15 include a notice and questionnaire the same as or similar to  
16 the following:

17 ""MANDATORY CRIMINAL HISTORY CHECK NOTICE: Alabama  
18 law requires that a criminal history background information  
19 check be conducted on all persons who hold a license or work  
20 in a Department of Human Resources licensed child care or  
21 adult care facility, a foster or adoptive home approved by the  
22 Department of Human Resources, or a licensed child placing  
23 agency, including all officers and agents of the entity. You  
24 are required to provide full, complete, and accurate  
25 information on your criminal conviction history upon  
26 application for a license or employment. This information  
27 shall be used to determine your suitability to provide care to

1 children, the elderly, or disabled individuals. Unless a  
2 criminal history background information check report and  
3 suitability determination have previously been obtained, you  
4 must complete a written request and consent for a criminal  
5 history background information check with fingerprints at the  
6 time of application for employment. Refusal to complete these  
7 documents or providing false information may result in refusal  
8 of employment, approval, or licensure. The term conviction  
9 includes a determination of guilt by a trial, by a plea of  
10 guilty, or a plea of nolo contendere. You are required to  
11 notify your employer, licensing agency, or entity where you  
12 are performing volunteer work of any criminal conviction  
13 occurring subsequent to the date of completion of this notice.  
14 Any individual determined to have submitted false information  
15 may be referred to the district attorney or law enforcement  
16 for investigation and possible prosecution. An individual who  
17 intentionally falsifies or provides any misleading information  
18 on the statement is guilty of a Class A misdemeanor,  
19 punishable by a fine of not more than two thousand dollars  
20 (\$2,000) and imprisonment for not more than one year.

21 "Convictions for any of the following crimes shall  
22 make an individual unsuitable for employment, volunteer work,  
23 approval, or licensure:

24 ""1. Murder, manslaughter, or criminally negligent  
25 homicide.

26 ""2. A sex crime.

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

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

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

7            ""A sex crime includes the following:

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

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

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

17           ""d. Promoting prostitution in the first or second  
18 degree, as proscribed by Section 13A-12-111 or Section  
19 13A-12-112 of the Code of Alabama 1975.

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

23           ""f. Sexual misconduct, as proscribed by Section  
24 13A-6-65 of the Code of Alabama 1975.

25           ""g. Sexual torture, as proscribed by Section  
26 13A-6-65.1 of the Code of Alabama 1975.



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

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

7            ""j. Soliciting a child by computer for the purposes  
8            of committing a sexual act and transmittal of obscene material  
9            to a child by computer as proscribed by Sections 13A-6-110 and  
10           13A-6-111 of the Code of Alabama 1975.

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

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

17           ""m. A crime listed in the Alabama Sex Offender  
18           Registration and Community Notification Act, Chapter ~~20~~ 20A of  
19           Title 15 of the Code of Alabama 1975.

20           ""6. Conviction for a crime listed in the federal  
21           Adoption and Safe Families Act as prohibiting a person from  
22           being a foster parent or adoptive parent shall be deemed to  
23           make the convicted person unsuitable for employment, volunteer  
24           work, approval, or licensure as a foster parent or adoptive  
25           parent.

26           ""7. Conviction for a violation or attempted  
27           violation of an offense committed outside the State of Alabama

1 or under federal law is a sex crime or any other crime listed  
2 in this notice if the offense would be a crime listed in this  
3 notice in Alabama.

4 ""CRIMINAL HISTORY STATEMENT

5 ""Have you ever had a suitability determination made  
6 by the Department of Human Resources in connection with a  
7 previous criminal history information background check? Yes  
8 (\_\_) No (\_\_).

9 ""Have you ever been convicted of a crime? Yes (\_\_)  
10 No (\_\_). If yes, state the date, crime, location, punishment  
11 imposed, and whether the victim was a child or an elderly or  
12 disabled individual.

13 "" \_\_\_\_\_

14 "" \_\_\_\_\_

15 ""Date \_\_\_\_\_ Signature \_\_\_\_\_."

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

26 "(c) No later than the five business days after  
27 employment or a reasonable time after completion of

1 application for a license or approval, an employer, the  
2 Department of Human Resources, or child placing agency shall  
3 mail or deliver a request for a criminal history background  
4 information check to the Department of Public Safety  
5 accompanied by the following:

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

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

12 "(3) The fee.

13 "(d) Upon receipt of a suitability determination  
14 from the Department of Human Resources that a person or entity  
15 is suitable for employment, volunteer work, licensure, or  
16 approval based on the criminal history background information  
17 check, an employer, a child care facility, adult care  
18 facility, a child placing agency, or the Department of Human  
19 Resources may make its own determination of employment,  
20 licensure, or approval. This chapter shall not create any  
21 right to employment, work, approval, or licensure. Upon  
22 receipt of a determination from the Department of Human  
23 Resources that an individual is unsuitable for employment,  
24 licensure, approval, or volunteer work, an employer, the child  
25 care facility, adult care facility, child placing agency, or  
26 Department of Human Resources shall terminate the individual  
27 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  
26 may refer the case to an appropriate law enforcement agency or  
27 district attorney for investigation and prosecution.

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

21           Section 2. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621 because the  
25 bill defines a new crime or amends the definition of an  
26 existing crime.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... . . . . 18-MAR-15

Read for the second time and placed  
on the calendar 3 amendments ..... . . . . 16-APR-15

Read for the third time and passed  
as amended..... . . . . 12-MAY-15

Yeas 99, Nays 0, Abstains 0

Jeff Woodard  
Clerk