

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

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8 SYNOPSIS: Under existing law: sex offenders are
9 subject to registration and reporting requirements
10 regarding residence and employment; there is an
11 enumerated list of sex crimes that require
12 registration and notification; the Alabama State
13 Law Enforcement Agency maintains a public registry
14 containing certain identifying information about
15 each sex offender required by law to register,
16 including the address of the sex offender's
17 residence; and all crimes that are sexual in nature
18 are enumerated sex offenses requiring registration
19 and notification.

20 This bill would create the crimes of
21 distributing a private image, sexting, sexual
22 extortion, assault with bodily fluids, and
23 directing a child to engage in sexual intercourse
24 or deviate sexual intercourse and would add sexual
25 extortion and directing a child to engage in a sex
26 act as enumerated sex crimes that require
27 registration and notification. This bill would

1 define the term reside, require certain sex
2 offenders to notify law enforcement of each place
3 the sex offender resides, and provide further for
4 the registration and notification requirements
5 associated with establishing a residence or
6 residences and vacating a residence.

7 This bill would specify additional
8 information regarding a registered sex offender
9 that may not appear on the public registry website.

10 This bill would provide further for the
11 process by which a court may relieve certain sex
12 offenders from registration and notification
13 requirements and specify additional procedures for
14 payment of the filing fees associated with the
15 petition for relief.

16 This bill would define volunteer position,
17 limit the places in which a registered sex offender
18 could accept a volunteer position and provide for
19 registration and notification of a volunteer
20 position in the same manner as employment.

21 Amendment 621 of the Constitution of Alabama
22 of 1901 prohibits a general law whose purpose or
23 effect would be to require a new or increased
24 expenditure of local funds from becoming effective
25 with regard to a local governmental entity without
26 enactment by a 2/3 vote unless: it comes within one
27 of a number of specified exceptions; it is approved

1 by the affected entity; or the Legislature
2 appropriates funds, or provides a local source of
3 revenue, to the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of Amendment 621. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in Amendment 621.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

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

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) A person commits the crime of
22 distributing a private image if he or she knowingly posts,
23 emails, texts, transmits, or otherwise distributes a private
24 image when the depicted person has not consented to the
25 transmission and the depicted person had a reasonable
26 expectation of privacy against transmission of the private
27 image.

1 (b) For purposes of this section, private image
2 means a photograph, digital image, video, film, or other
3 recording of a person who is identifiable from the recording
4 itself or from the circumstances of its transmission and who
5 is engaged in any act of sadomasochistic abuse, sexual
6 intercourse, sexual excitement, masturbation, breast nudity,
7 genital nudity, or other sexual conduct. The term includes a
8 recording that has been edited, altered, or otherwise
9 manipulated from its original form.

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

13 a. The person depicted in the private image created
14 it or consented to its creation believing that it would remain
15 confidential.

16 b. The sexual conduct depicted in the image was
17 involuntary.

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

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

1 (e) A violation of this section is a Class A
2 misdemeanor. A subsequent adjudication or conviction under
3 this section is a Class C felony.

4 Section 2. (a) (1) A person commits the crime of
5 sexting if he or she, being under the age of 17, knowingly
6 distributes by means of any electronic device to another
7 person 19 years of age or under a visual depiction containing
8 genital or breast nudity, as defined in Section 13A-12-190,
9 Code of Alabama 1975, of himself or herself.

10 (2) Sexting is a Class B misdemeanor. A subsequent
11 adjudication or conviction for sexting is a Class A
12 misdemeanor.

13 (b) (1) A person commits the crime of solicitation of
14 sexting if he or she, being 19 years of age or under,
15 knowingly entices a person under the age of 17 to distribute
16 by means of any electronic device a visual depiction
17 containing genital or breast nudity, as defined in Section
18 13A-12-190, Code of Alabama 1975, of the person under the age
19 of 17.

20 (2) Solicitation of sexting is a Class A
21 misdemeanor. A subsequent adjudication or conviction for
22 solicitation of sexting is a Class C felony.

23 (c) (1) A person commits the crime of possession of
24 sexted materials if he or she, being 19 years of age or under,
25 knowingly possesses a visual depiction containing genital or
26 breast nudity, as defined in Section 13A-12-190, Code of
27 Alabama 1975, of another person under the age of 17.

1 (2) It is a defense to possession of sexted
2 materials if the person 19 years of age or under did not
3 solicit the image and took reasonable steps to destroy the
4 image and report it to a parent, guardian, teacher, or member
5 of law enforcement.

6 (3) Possession of sexted materials is a Class A
7 misdemeanor. A subsequent adjudication or conviction for
8 possession of sexted materials is a Class C felony.

9 (4) A person adjudicated delinquent in juvenile
10 court of sexting, solicitation of sexting, or possession of
11 sexted materials shall be counseled on the dangers of the
12 conduct for which they were adjudicated delinquent.

13 Section 3. (a) A person commits the crime of sexual
14 extortion if he or she knowingly causes another person to
15 engage in sexual intercourse, deviate sexual intercourse,
16 sexual contact, or in a sexual act or to produce any
17 photograph, digital image, video, film, or other recording of
18 any person, whether recognizable or not, engaged in any act of
19 sadomasochistic abuse, sexual intercourse, deviate sexual
20 intercourse, sexual excitement, masturbation, breast nudity,
21 genital nudity, or other sexual conduct by transmitting any
22 communication containing any threat to injure the body,
23 property, or reputation of any person.

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

25 Section 4. (a) A person commits the crime of assault
26 with bodily fluids if he or she knowingly causes or attempts
27 to cause another person to come into contact with a bodily

1 fluid unless the other person consented to the contact or the
2 contact was necessary to provide medical care.

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

5 (c) Assault with bodily fluids is a Class A
6 misdemeanor; provided, however, a violation of this section is
7 a Class C felony if the person commits the crime of assault
8 with bodily fluids knowing that he or she has a communicable
9 disease.

10 Section 5. (a) (1) A person commits the crime of
11 directing a child to engage in sexual intercourse or deviate
12 sexual intercourse if he or she knowingly entices, allures,
13 persuades, induces, or directs any person under the age of 12
14 to engage in sexual intercourse or deviate sexual intercourse
15 with another person under the age of 12.

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

18 (b) (1) A person commits the crime of directing a
19 child to engage in sexual contact if he or she knowingly
20 entices, allures, persuades, induces, or directs any person
21 under the age of 12 to engage in sexual contact with another
22 person under the age of 12.

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

24 Section 6. Sections 13A-6-122, 15-20A-4, 15-20A-5,
25 15-20A-7, 15-20A-8, 15-20A-10, 15-20A-11, 15-20A-12,
26 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18,
27 15-20A-21, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26,

1 15-20A-27, 15-20A-28, 15-20A-31, 15-20A-32, 15-20A-34,
2 15-20A-37, 15-20A-42, and 15-20A-43 of the Code of Alabama
3 1975, are amended to read as follows:

4 "§13A-6-122.

5 "In addition to the provisions of Section 13A-6-69,
6 a person who, knowingly, ~~with the intent to commit an unlawful~~
7 ~~sex act,~~ entices, induces, persuades, seduces, prevails,
8 advises, coerces, lures, or orders, or attempts to entice,
9 induce, persuade, seduce, prevail, advise, coerce, lure, or
10 order, by means of a computer, on-line service, Internet
11 service, Internet bulletin board service, weblog, cellular
12 phone, video game system, personal data assistant, telephone,
13 facsimile machine, camera, universal serial bus drive,
14 writable compact disc, magnetic storage device, floppy disk,
15 or any other electronic communication or storage device, a
16 child who is at least three years younger than the defendant,
17 or another person believed by the defendant to be a child at
18 least three years younger than the defendant to meet with the
19 defendant or any other person for the purpose of engaging in
20 sexual intercourse, ~~sodomy, or to engage in a~~ deviate sexual
21 intercourse, sexual contact, sexual performance, obscene
22 sexual performance, ~~or~~ sexual conduct, or genital mutilation
23 ~~for his or her benefit or for the benefit of another, or~~
24 directs a child to engage in sexual intercourse, deviate
25 sexual intercourse, sexual contact, sexual performance,
26 obscene sexual performance, sexual conduct, or genital

1 mutilation, is guilty of electronic solicitation of a child.
2 Any person who violates this section commits a Class B felony.

3 "§15-20A-4.

4 "For purposes of this chapter, the following words
5 shall have the following meanings:

6 "(1) ADULT SEX OFFENDER. A person convicted of a sex
7 offense.

8 "(2) CHILD. A person who has not attained the age of
9 12.

10 "(3) CHILDCARE FACILITY. A licensed child daycare
11 center, a licensed childcare facility, or any other childcare
12 service that is exempt from licensing pursuant to Section
13 38-7-3,~~provided that the licensed child daycare center,~~
14 ~~licensed childcare facility, or any other childcare service~~
15 ~~and location are public record~~ if it is sufficiently
16 conspicuous that a reasonable person should know or recognize
17 its location or its address has ~~have~~ been provided to local
18 law enforcement.

19 "(4) CONVICTION. A verdict or finding of guilt as
20 the result of a trial, a plea of guilty, a plea of nolo
21 contendere, or an Alford plea regardless of whether
22 adjudication was withheld. Conviction includes, but is not
23 limited to, a conviction in a United States territory, a
24 conviction in a federal or military tribunal, including a
25 court martial conducted by the Armed Forces of the United
26 States, a conviction for an offense committed on an Indian
27 reservation or other federal property, a conviction in any

1 state of the United States or a conviction in a foreign
2 country if the foreign country's judicial system is such that
3 it satisfies minimum due process set forth in the guidelines
4 under Section 111(5) (B) of Public Law 109-248. Cases on appeal
5 are deemed convictions until reversed or overturned.

6 "(5) EMPLOYMENT. ~~Employment that~~ Compensated work or
7 a volunteer position for any period of time, regardless of
8 whether the work is full-time, part-time, self-employment, or
9 employment as an independent contractor or day laborer for any
10 period, whether financially compensated, volunteered, or for
11 the purpose of government or educational benefit , provided
12 that employment does not include any time spent traveling as a
13 necessary incident to performing the work.

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

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

19 "~~(8) (7) HOMELESS. A person who has no~~ The state of
20 lacking a fixed residence.

21 "~~(9) (8) IMMEDIATE FAMILY MEMBER. A~~ parent or
22 grandparent, parent, sibling, spouse, child of any age by
23 blood, adoption, or marriage, or grandchild; child,
24 grandchild, or sibling of any age by blood, adoption, or
25 marriage; or spouse.

26 "~~(10) (9) IMMEDIATELY. Within three business days.~~

1 "~~(11)~~(10) JURISDICTION. Any state of the United
2 States, any United States territory, the District of Columbia,
3 or any federally recognized Indian tribe.

4 "~~(12)~~(11) JUVENILE SEX OFFENDER. An individual who
5 has not attained the age of 18 at the time of the offense and
6 who is adjudicated delinquent of a sex offense.

7 "~~(13)~~(12) LOCAL LAW ENFORCEMENT. The sheriff of the
8 county and the chief of police if the location subject to
9 registration is within the corporate limits of any
10 municipality, or, if applicable, the chief law enforcement
11 officer for a federally recognized Indian tribe.

12 "~~(14)~~(13) MINOR. A person who has not attained the
13 age of 18.

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

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

22 "(16) PRIOR CONVICTION. The person has served and
23 has been released or discharged from, or is serving, a
24 separate period of incarceration, commitment, or supervision
25 for the commission of a sex offense, as defined by Section
26 15-20A-5, prior to, or at the time of, committing another sex
27 offense.

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

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

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

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

1 sentence. A person does not have to conduct an overnight visit
2 to reside at a place.

3 ~~"(20)~~ (21) RESIDENCE. ~~Each fixed residence or other~~
4 ~~place where a person resides, sleeps, or habitually lives or~~
5 ~~will reside, sleep, or habitually live. If a person does not~~
6 ~~reside, sleep, or habitually live in a fixed residence,~~
7 ~~residence means a description of the locations where the~~
8 ~~person is stationed regularly, day or night, including any~~
9 ~~mobile or transitory living quarters or locations that have no~~
10 ~~specific mailing or street address. Residence shall be~~
11 ~~construed to refer to the places where a person resides,~~
12 ~~sleeps, habitually lives, or is stationed with regularity, A~~
13 ~~fixed residence as defined by Section 15-20A-4 or other place~~
14 ~~where the person resides, regardless of whether the person~~
15 ~~declares or characterizes such place as a residence.~~

16 ~~"(21)~~ (22) RESPONSIBLE AGENCY. The person or
17 government entity whose duty it is to obtain information from
18 a sex offender and to transmit that information to the Alabama
19 State Law Enforcement Agency, police departments, and
20 sheriffs. For a sex offender being released from state prison,
21 the responsible agency is the Department of Corrections. For a
22 sex offender being released from a county jail, the
23 responsible agency is the sheriff of that county. For a sex
24 offender being released from a municipal jail, the responsible
25 agency is the chief of police of that municipality. For a sex
26 offender being placed on probation, including conditional
27 discharge or unconditional discharge, without any sentence of

1 incarceration, the responsible agency is the sentencing court
2 or designee of the sentencing court. For a juvenile sex
3 offender being released from the Department of Youth Services,
4 the responsible agency is the Department of Youth Services.
5 For a sex offender who is being released from a jurisdiction
6 outside this state and who is to reside in this state, the
7 responsible agency is the sheriff of the county in which the
8 offender intends to establish a residence.

9 ~~"(22)~~ (23) RISK ASSESSMENT. A written report on the
10 assessment of risk for sexually re-offending conducted by a
11 sex offender treatment program or provider approved by the
12 Department of Youth Services. The report shall include, but
13 not be limited to, the following regarding the juvenile sex
14 offender: Criminal history, mental status, attitude, previous
15 sexual offender treatment and response to treatment, social
16 factors, conditions of release expected to minimize risk of
17 sexual re-offending, and characteristics of the sex offense.

18 ~~"(23)~~ (24) SCHOOL. A licensed or accredited public,
19 private, or church school that offers instruction in grades
20 ~~K-12~~ pre-K-12 if it is sufficiently conspicuous that a
21 reasonable person should know or recognize its location or its
22 address has been provided to local law enforcement. The
23 definition does not include a private residence in which
24 students are taught by parents or tutors or any facility
25 dedicated exclusively to the education of adults unless that
26 facility has a childcare facility as defined in subdivision
27 (3).

1 "~~(24)~~ (25) SENTENCING COURT. The court of
2 adjudication or conviction.

3 "~~(25)~~ (26) SEX OFFENDER. Includes any adult sex
4 offender, any youthful offender sex offender, and any juvenile
5 sex offender.

6 "~~(26)~~ (27) SEX OFFENSE INVOLVING A CHILD. A
7 conviction for any sex offense in which the victim was a child
8 or any offense involving child pornography.

9 "~~(27)~~ (28) SEX OFFENSE INVOLVING A MINOR. A
10 conviction for any sex offense in which the victim was a minor
11 or any offense involving child pornography.

12 "~~(28)~~ (29) SEXUALLY VIOLENT PREDATOR. A person who
13 has been convicted of a sexually violent offense and who is
14 likely to engage in one or more future sexually violent
15 offenses or is likely to engage in future predatory sex
16 offenses.

17 "~~(29)~~ (30) STUDENT. A person who is enrolled in or
18 attends, on a full-time or part-time basis, any public or
19 private educational institution, including a secondary school,
20 trade or professional school, or institution of higher
21 education.

22 "~~(30)~~ (31) TEMPORARY LODGING INFORMATION. Lodging
23 information including, but not limited to, the name and
24 address of any location where the person is staying when away
25 from his or her residence for three or more days and the
26 period of time the person is staying at that location.

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

7 "~~(31)~~(33) YOUTHFUL OFFENDER SEX OFFENDER. An
8 individual adjudicated as a youthful offender for a sex
9 offense who has not yet attained the age of 21 at the time of
10 the offense.

11 "§15-20A-5.

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

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

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

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

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

22 "(5) Sexual misconduct, as provided by Section
23 13A-6-65, provided that on a first conviction or adjudication
24 the sex offender is only subject to registration and
25 verification pursuant to this chapter. On a second or
26 subsequent conviction or adjudication of a sex offense, if the
27 second or subsequent conviction or adjudication does not arise

1 out of the same set of facts and circumstances as the first
2 conviction or adjudication of a sex offense, the sex offender
3 shall comply with all requirements of this chapter. The
4 sentencing court may exempt from this chapter a juvenile sex
5 offender adjudicated delinquent of sexual misconduct.

6 "(6) Sexual torture, as provided by Section
7 13A-6-65.1.

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

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

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

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

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

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

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

5 "(14) Violation of the Alabama Child Pornography
6 Act, as provided by Section 13A-12-191, 13A-12-192,
7 13A-12-196, or 13A-12-197.

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

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

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

22 "(18) Kidnapping of a minor, except by a parent,
23 guardian, or custodian, as provided by Section 13A-6-43 or
24 13A-6-44.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 "~~(31)~~ (33) Any offense which is the same as or
5 equivalent to any offense set forth above as the same existed
6 and was defined under the laws of this state existing at the
7 time of such conviction, specifically including, but not
8 limited to, crime against nature, as provided by Section
9 13-1-110; rape, as provided by Sections 13-1-130 and 13-1-131;
10 carnal knowledge of a woman or girl, as provided by Sections
11 13-1-132 through 13-1-135, or attempting to do so, as provided
12 by Section 13-1-136; indecent molestation of children, as
13 defined and provided by Section 13-1-113; indecent exposure,
14 as provided by Section 13-1-111; incest, as provided by
15 Section 13-8-3; offenses relative to obscene prints and
16 literature, as provided by Sections 13-7-160 through 13-7-175,
17 inclusive; employing, harboring, procuring or using a girl
18 over 10 and under 18 years of age for the purpose of
19 prostitution or sexual intercourse, as provided by Section
20 13-7-1; seduction, as defined and provided by Section
21 13-1-112; a male person peeping into a room occupied by a
22 female, as provided by Section 13-6-6; assault with intent to
23 ravish, as provided by Section 13-1-46; and soliciting a child
24 by computer, as provided by Section 13A-6-110.

25 "~~(32)~~ (34) Any solicitation, attempt, or conspiracy
26 to commit any of the offenses listed in subdivisions (1) to
27 (31), inclusive.

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

7 "~~(34)~~ (36) Any offense specified by Title I of the
8 federal Adam Walsh Child Protection and Safety Act of 2006
9 (Pub. L. 109-248, the Sex Offender Registration and
10 Notification Act (SORNA)).

11 "~~(35)~~ (37) Any crime committed in another state, the
12 District of Columbia, any United States territory, or a
13 federal, military, Indian, or foreign country jurisdiction if
14 that jurisdiction also requires that anyone convicted of that
15 crime register as a sex offender in that jurisdiction.

16 "~~(36)~~ (38) Any offender determined in any
17 jurisdiction to be a sex offender shall be considered a sex
18 offender in this state.

19 "~~(37)~~ (39) The foregoing notwithstanding, any crime
20 committed in any jurisdiction which, irrespective of the
21 specific description or statutory elements thereof, is in any
22 way characterized or known as rape, carnal knowledge, sodomy,
23 sexual assault, sexual battery, criminal sexual conduct,
24 criminal sexual contact, sexual abuse, continuous sexual
25 abuse, sexual torture, solicitation of a child, enticing or
26 luring a child, child pornography, lewd and lascivious
27 conduct, taking indecent liberties with a child, molestation

1 of a child, criminal sexual misconduct, video voyeurism, or
2 there has been a finding of sexual motivation.

3 "~~(38)~~ (40) Any crime not listed in this section
4 wherein the underlying felony is an element of the offense and
5 listed in subdivisions (1) to ~~(37)~~ (39), inclusive.

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

9 "§15-20A-7.

10 "(a) The following registration information, unless
11 otherwise indicated, shall be provided by the sex offender
12 when registering:

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

15 "(2) Date of birth.

16 "(3) Social Security number.

17 "(4) Address of each residence.

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

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

26 "(7) The license plate number, registration number
27 or identifier, description, and permanent or frequent location

1 where all vehicles are kept for any vehicle used for work or
2 personal use, including land vehicles, aircraft, and
3 watercraft.

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

6 "(9) Any email addresses or instant message address
7 or identifiers used, including any designations or monikers
8 used for self-identification in Internet communications or
9 postings other than those used exclusively in connection with
10 a lawful commercial transaction.

11 "(10) A current photograph.

12 "(11) A physical description of the sex offender
13 including physical appearance, physical characteristics, and
14 identifying marks such as scars and tattoos.

15 "(12) Fingerprints and palm prints.

16 "(13) A DNA sample. The DNA sample may be collected
17 by the probation officer, sheriff, chief of police, or other
18 responsible agency. Prior to collecting a DNA sample, the
19 responsible agency shall determine if a DNA sample has already
20 been collected for the sex offender by checking the Dru Sjodin
21 National Sex Offender Public Registry website, the Alabama
22 Department of Forensic Sciences DNATracker site, or with the
23 Alabama State Law Enforcement Agency. If a DNA sample has not
24 been previously collected for the sex offender, the
25 responsible agency shall coordinate for the collection of a
26 DNA sample with the sheriff of the county in which the
27 registration is occurring. The collection of a DNA sample

1 should be performed using materials recommended or provided by
2 the Alabama Department of Forensic Sciences. The DNA sample
3 shall be immediately forwarded by the entity collecting the
4 sample to the Department of Forensic Sciences.

5 "(14) A photocopy of the valid driver license or
6 identification card.

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

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

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

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

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

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

25 "(1) A current photograph.

26 "(2) Fingerprints or palm prints.

27 "(3) A DNA sample.

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

3 "(5) A photocopy of any and all passport and
4 immigration documents.

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

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

23 "(e) All required registration information shall be
24 stored electronically in a manner determined by the Secretary
25 of the Alabama State Law Enforcement Agency and shall be
26 available in a digitized format by the Alabama State Law

1 Enforcement Agency to anyone entitled to receive the
2 information as provided in Section 15-20A-42.

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

7 "§15-20A-8.

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

12 "(1) Name, including any aliases, nicknames, ethnic,
13 or Tribal names.

14 "(2) Address of each residence.

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

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

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

26 "(6) A current photograph.

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

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

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

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

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

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

13 "(2) Social Security number.

14 "(3) Travel and immigration document numbers.

15 "(4) Victim identity.

16 "(5) ~~Internet identifiers~~ Any email addresses or
17 instant message addresses or identifiers used by the sex
18 offender.

19 "(6) Any Internet service providers used by the sex
20 offender.

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

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

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

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

6 "(g) The website shall include instructions on how
7 to seek correction of information that a person contends is
8 erroneous.

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

23 "§15-20A-10.

24 "(a) (1) Immediately upon release from incarceration,
25 or immediately upon conviction if the adult sex offender is
26 not incarcerated, the adult sex offender shall appear in
27 person and register all required registration information with

1 local law enforcement in each county in which the adult sex
2 offender resides or intends to reside, accepts or intends to
3 accept employment, accepts or intends to accept a volunteer
4 position, and begins or intends to begin school attendance.

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

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

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

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

1 transfers his or her residence, as provided in subdivision (1)
2 from one county to another jurisdiction, the sheriff of the
3 county from which the sex offender is transferring his or her
4 residence shall immediately notify the chief law enforcement
5 agency in the jurisdiction in which the sex offender intends
6 to reside.

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

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

22 "(2) Notwithstanding any other provision of law
23 regarding the establishment of residence, an adult sex
24 offender has transferred or terminated his or her residence
25 for purposes of subdivision (1) whenever the adult sex
26 offender vacates his or her residence or fails to spend three
27 or more consecutive days at his or her residence without

1 previously notifying local law enforcement or completing a
2 travel notification document pursuant to Section 15-20A-15.

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, or maintain a residence after release or
6 conviction, ~~or establish any other living accommodation~~ within
7 2,000 feet of the property on which any school, childcare
8 facility, or resident camp facility is located unless
9 otherwise exempted pursuant to Sections 15-20A-23 and
10 15-20A-24. For the purposes of this section, a resident camp
11 facility includes any place, area, parcel, or tract of land
12 which contains permanent or semi-permanent facilities for
13 sleeping owned by a business, church, or nonprofit
14 organization used primarily for educational, recreational, or
15 religious purposes for minors and the location of the resident
16 camp has been provided to local law enforcement. Resident camp
17 does not include a private residence, farm, or hunting or
18 fishing camp.

19 "(b) No adult sex offender shall establish a
20 residence, or maintain a residence after release or
21 conviction, ~~or establish any other living accommodation~~ within
22 2,000 feet of the property on which his or her former victim,
23 or an immediate family member of the victim, resides unless
24 otherwise exempted pursuant to Section 15-20A-24 or Section
25 15-20A-16.

26 "(c) Changes to property within 2,000 feet of a
27 registered address of an adult sex offender which occur after

1 the adult sex offender establishes residency shall not form
2 the basis for finding that the adult sex offender is in
3 violation of this section unless the sex offender has been
4 released or convicted of a new offense after establishing
5 residency.

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

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

18 "(2) The adult sex offender has been convicted of
19 any sex offense in which any of the minor children,
20 grandchildren, stepchildren, siblings, or stepsiblings of the
21 adult sex offender was the victim.

22 "(3) The adult sex offender has been convicted of
23 any sex offense in which a minor was the victim and the minor
24 resided or lived with the adult sex offender at the time of
25 the offense.

26 "(4) The adult sex offender has been convicted of
27 any sex offense involving a child, regardless of whether the

1 adult sex offender was related to or shared a residence with
2 the child victim.

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

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

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

12 "~~(2) Wherever an adult sex offender~~ wherever he or
13 she resides following release, regardless of whether the adult
14 sex offender resided at the same location prior to the time of
15 conviction.

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

19 "~~(4) Whenever an~~ (2) Notwithstanding any other
20 provision of law regarding establishment of residence, an
21 adult sex offender has transferred his or her residence for
22 purposes of Section 15-20A-10(e) (1) whenever the adult sex
23 offender vacates his or her residence or fails to spend three
24 or more consecutive days at his or her residence without
25 previously notifying local law enforcement or obtaining a
26 travel ~~permit~~ notification document pursuant to Section
27 15-20A-15.

1 "(f) An adult sex offender is exempt from
2 subsections (a) and (b) during the time ~~an~~ the adult sex
3 offender is ~~admitted to a hospital~~ in the facility of a
4 licensed health care provider or is incarcerated in a jail,
5 prison, mental health facility, or any other correctional
6 placement facility wherein the adult sex offender is not
7 allowed unsupervised access to the public.

8 "(g) An adult sex offender shall not be found in
9 violation of subsection (a) on the basis of any address,
10 street number, place, or parcel that has been approved in
11 writing by local law enforcement prior to establishing a
12 residence. Local law enforcement shall promulgate, publicize,
13 and enforce a policy that affords sex offenders a reasonable
14 opportunity to obtain preapproval of a proposed residence.

15 "~~(g)~~ (h) For the purposes of this section, the
16 2,000-foot measurement shall be taken in a straight line from
17 nearest property line to nearest property line.

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

20 "§15-20A-12.

21 "(a) An adult sex offender who no longer has a fixed
22 residence shall be considered homeless and shall appear in
23 person and report such change in fixed residence to local law
24 enforcement where he or she is located immediately upon such
25 change in fixed residence.

26 "(b) In addition to complying with the registration
27 and verification requirements pursuant to Section 15-20A-10, a

1 homeless adult sex offender who lacks a fixed residence, or
2 who does not provide an address at a fixed residence at the
3 time of release or registration, shall report in person once
4 every seven days to law enforcement agency where he or she
5 resides. If the sex offender resides within the city limits of
6 a municipality, he or she shall report to the chief of police.
7 If the adult sex offender resides outside of the city limits
8 of a municipality he or she shall report to the sheriff of the
9 county. The weekly report shall be on a day specified by local
10 law enforcement and shall occur during normal business hours.

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

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

17 "a. Name.

18 "b. Date of birth.

19 "c. Social Security number.

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

22 "e. A list of the locations where he or she plans to
23 reside in the upcoming week with as much specificity as
24 possible.

25 "(2) The registering agency is not required to
26 obtain the remaining required registration information from
27 the homeless adult sex offender each time he or she reports to

1 the registering agency unless the homeless adult sex offender
2 has any changes to the remaining required registration
3 information.

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

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

11 "§15-20A-13.

12 "(a) No adult sex offender shall ~~apply for,~~ accept,
13 or maintain employment ~~or vocation~~ or a volunteer position at
14 any school, childcare facility, mobile vending business that
15 provides services primarily to children, or any other business
16 or organization that provides services primarily to children,
17 or any amusement or water park.

18 "(b) No adult sex offender shall ~~apply for,~~ accept,
19 or maintain employment or a volunteer position ~~for any~~
20 ~~employment or vocation~~ within 2,000 feet of the property on
21 which a school or childcare facility is located unless
22 otherwise exempted pursuant to Sections 15-20A-24 and
23 15-20A-25.

24 "(c) No adult sex offender, after having been
25 convicted of a sex offense involving a child, shall ~~apply for,~~
26 accept, or maintain employment ~~or vocation~~ or a volunteer
27 position ~~for any employment or vocation~~ within 500 feet of a

1 playground, park, athletic field or facility, or any other
2 business or facility having a principal purpose of caring for,
3 educating, or entertaining minors.

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

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

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

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

19 "§15-20A-14.

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

26 "(b) Any adult sex offender who enters this state to
27 accept employment, ~~carry on a vocation,~~ or a volunteer

1 position or to become a student shall immediately appear in
2 person and register all required registration information with
3 local law enforcement in the county where the adult sex
4 offender accepts employment, ~~carries on a vocation,~~ or the
5 volunteer position or becomes a student.

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

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

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

18 "§15-20A-15.

19 "(a) ~~Prior to~~ Immediately before an adult sex
20 offender temporarily ~~leaving from~~ leaves his or her county of
21 residence for a period of three or more consecutive days, the
22 adult sex offender shall report ~~such information~~ in person
23 ~~immediately prior to leaving his or her county of residence~~
24 ~~for such travel~~ to the sheriff in each county of residence and
25 complete and sign a travel notification document.

26 "(b) ~~The adult sex offender shall complete a travel~~
27 ~~permit form immediately prior to travel and provide the~~ The

1 travel notification document shall be a form prescribed by the
2 Alabama State Law Enforcement Agency to collect dates of
3 travel, the intended destination or destinations, and
4 temporary lodging information, and any other information
5 reasonably necessary to monitor a sex offender who plans to
6 travel.

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

18 "(d) The travel ~~permit~~ notification document shall
19 explain the duties of the adult sex offender regarding travel
20 as prescribed by the Alabama State Law Enforcement Agency and
21 a certification that the adult sex offender understands the-
22 ~~The adult sex offender shall sign the travel permit stating~~
23 ~~that he or she~~ duties required of him or her. ~~If the adult sex~~
24 ~~offender refuses to sign the travel permit form, the travel~~
25 ~~permit shall be denied~~ and that the information he or she
26 provided on the travel notification document is true and

1 correct. No sex offender shall provide false information on
2 the travel notification document.

3 "(e) The sheriff in each county of residence shall
4 immediately notify local law enforcement in the county or the
5 jurisdiction to which the adult sex offender will be
6 traveling.

7 "(f) Upon return to the county of residence, the
8 adult sex offender shall immediately report to the sheriff in
9 each county of residence.

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

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

15 "§15-20A-16.

16 "(a) No adult sex offender shall contact, directly
17 or indirectly, in person or through others, by phone, mail, or
18 electronic means, any former victim. ~~No sex offender shall~~
19 ~~make any harassing communication, directly or indirectly, in~~
20 ~~person or through others, by phone, mail, or electronic means~~
21 ~~to the victim or any immediate family member of the victim.~~

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

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

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

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

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

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

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

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

24 "(d) Notwithstanding any state or local law or rule
25 assigning costs and fees for filing and processing civil and
26 criminal cases a petition filed shall be assessed a filing fee

1 in the amount of two hundred dollars (\$200) to be distributed
2 as provided in Section 15-20A-46.

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

5 "§15-20A-18.

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

23 (b) The adult sex offender shall obtain from the
24 Alabama State Law Enforcement Agency a valid driver license or
25 identification card bearing a designation that enables law
26 enforcement officers to identify the licensee as a sex
27 offender within 14 days of his or her initial registration

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

4 (c) Whenever the Alabama State Law Enforcement
5 Agency issues or renews a driver license or identification
6 card to an adult sex offender, the driver license or
7 identification card shall bear a designation that, at a
8 minimum, enables law enforcement officers to identify the
9 licensee as a sex offender.

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

25 (e) No adult sex offender shall mutilate, mar,
26 change, reproduce, alter, deface, disfigure, or otherwise
27 change the form of any driver license or identification card

1 which is issued to the adult sex offender by the Alabama State
2 Law Enforcement Agency and which bears any designation
3 enabling law enforcement officers to identify the licensee as
4 a sex offender. An adult sex offender having in his or her
5 possession a driver license or identification card issued to
6 him or her by the Alabama State Law Enforcement Agency bearing
7 any designation enabling law enforcement officers to identify
8 the licensee as a sex offender which has been mutilated,
9 marred, changed, reproduced, altered, defaced, disfigured, or
10 otherwise changed shall be prima facie evidence that he or she
11 has violated this section.

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

14 "§15-20A-21.

15 "(a) Immediately upon the release of an adult sex
16 offender or immediately upon notice of where the adult sex
17 offender plans to establish, or has established a fixed
18 residence, the following procedures shall apply:

19 "(1) In the Cities of Birmingham, Mobile,
20 Huntsville, and Montgomery, the chief of police shall notify
21 all persons who have a legal residence within 1,000 feet of
22 the declared fixed residence of the adult sex offender and all
23 schools and childcare facilities within three miles of the
24 declared fixed residence of the adult sex offender that the
25 adult sex offender will be establishing or has established his
26 or her fixed residence.

1 "(2) In all other cities in Alabama with a resident
2 population of 5,000 or more, the chief of police, or if none,
3 then the sheriff of the county, shall notify all persons who
4 have a legal residence within 1,500 feet of the declared fixed
5 residence of the adult sex offender and all schools and
6 childcare facilities within three miles of the declared fixed
7 residence of the adult sex offender that the adult sex
8 offender will be establishing or has established his or her
9 fixed residence.

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

20 "(b) A community notification flyer shall be made by
21 regular mail or hand delivered to all legal residences
22 required by this section and include registration information
23 pursuant to Section 15-20A-8. In addition, any other method
24 reasonably expected to provide notification may be utilized,
25 including, but not limited to, posting a copy of the notice in
26 a prominent place at the office of the sheriff and at the
27 police station closest to the declared fixed residence of the

1 released adult sex offender, publicizing the notice in a local
2 newspaper, posting electronically, including the Internet, or
3 other means available.

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

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

21 "§15-20A-23.

22 "(a) A sex offender required to register under this
23 chapter may petition the court for relief from the residency
24 restriction pursuant to subsection (a) of Section 15-20A-11
25 during the time a sex offender is terminally ill or
26 permanently immobile, or the sex offender has a debilitating

1 medical condition requiring substantial care or supervision or
2 requires placement in a residential health care facility.

3 "(b) A petition for relief pursuant to this section
4 shall be filed in the civil division of the circuit court of
5 the county in which the sex offender seeks relief from the
6 residency restriction.

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

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

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

14 "(3) Local law enforcement where the sex offender
15 was adjudicated or convicted if the sex offender was
16 adjudicated or convicted in this state.

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

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

21 "(1) A certified copy of the adjudication or
22 conviction requiring registration, including a detailed
23 description of the sex offense.

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

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) Notarized documentation of the sex offender's
5 condition by his or her medical provider.

6 "(5) A release allowing the prosecuting attorney or
7 the court to obtain any other medical records or documentation
8 relevant to the petition.

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

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

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

23 "(g) The court ~~may~~ shall issue an order releasing
24 the sex offender from the residency restrictions pursuant to
25 subsection (a) of Section 15-20A-11 if the court finds by
26 clear and convincing evidence that the sex offender (1) is
27 terminally ill, permanently immobile, has a debilitating

1 medical condition requiring substantial care or supervision,
2 or requires placement in a residential health care facility
3 and (2) does not pose a substantial risk of perpetrating any
4 future ~~dangerous~~ sexual offense ~~or that the sex offender is~~
5 ~~not likely to reoffend~~. The court may relieve a sex offender
6 from any residency restrictions indefinitely or for a specific
7 period of time.

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

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

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

22 "(k) If at any time the sex offender is no longer
23 terminally ill, permanently immobile, or no longer suffers
24 from a debilitating medical condition requiring substantial
25 care or supervision or no longer requires placement in a
26 residential health care facility, the sex offender shall
27 immediately register in person with local law enforcement in

1 each county of residence, ~~and~~ update all required registration
2 information, and comply with the residency restriction
3 pursuant to subsection (a) of Section 15-20A-11.

4 "(l) No sex offender petitioning the court under
5 this section for an order terminating the sex offender's
6 obligation to comply with the residency restrictions is
7 entitled to publicly funded experts or publicly funded
8 witnesses.

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

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

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

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

7 "§15-20A-24.

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

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

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

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

21 "(4) Sexual misconduct, as provided by Section
22 13A-6-65.

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

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

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

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

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

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

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

17 "(1) If the adult or youthful offender sex offender
18 was adjudicated or convicted in this state, the petition for
19 relief shall be filed in the civil division of the circuit
20 court where the adult or youthful offender sex offender was
21 adjudicated or convicted.

22 "(2) If the adult or youthful offender sex offender
23 was adjudicated or convicted in a jurisdiction outside of this
24 state, the petition for relief shall be filed in the civil
25 division of the circuit court in the county in which the adult
26 or youthful offender sex offender resides.

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

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

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

10 "a. The prosecuting attorney in the county of
11 adjudication or conviction, if the sex offender was
12 adjudicated or convicted in this state.

13 "b. The prosecuting attorney of the county where the
14 sex offender resides.

15 "c. Local law enforcement where the sex offender was
16 adjudicated or convicted, if the sex offender was adjudicated
17 or convicted in this state.

18 "d. Local law enforcement where the adult sex
19 offender resides.

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

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

25 "(1) The offense that the sex offender was initially
26 charged with and the offense that the sex offender was
27 adjudicated or convicted of, if different.

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

5 "(3) Proof of the age of the victim and the age of
6 the sex offender at the time of the commission of the sex
7 offense.

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

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

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

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

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

25 "(h) The court shall issue an order releasing the
26 sex offender from some or all requirements of this chapter
27 pursuant to subsection (i) if the court finds by clear and

1 convincing evidence that the sex offender does not pose a
2 substantial risk of perpetrating any future sex offense. In
3 determining whether to grant relief, the court may consider
4 any of the following:

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

9 "(2) Recommendations from the prosecuting attorney.

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

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

14 "(5) The relationship of the parties.

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

16 "(7) The protection of society.

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

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

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

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

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

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

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

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

7 "§15-20A-25.

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

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

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

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

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

24 "(5) Sexual torture, as provided by Section
25 13A-6-65.1.

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

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

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

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

10 "a. The prosecuting attorney in the county of
11 adjudication or conviction, if the sex offender was
12 adjudicated or convicted in this state.

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

15 "c. Local law enforcement where the sex offender was
16 adjudicated or convicted, if the sex offender was adjudicated
17 or convicted in this state.

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

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

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

25 "(1) A certified copy of the adjudication or
26 conviction requiring registration, including a detailed

1 description of the sex offense, if the petition is filed after
2 sentencing.

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

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

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

12 "(5) Justification as to why the court should grant
13 relief.

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

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

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

24 "(f) The court shall issue an order releasing the
25 sex offender from the requirements of the employment
26 restrictions pursuant to subsection (b) of Section 15-20A-13
27 if the court finds by clear and convincing evidence that the

1 sex offender does not pose a substantial risk of perpetrating
2 any future sex offense. The court may consider any of the
3 following factors in determining whether to grant relief:

4 "(1) The nature of the offense.

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

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

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

10 "(g) If the court grants the petition, the court
11 shall enter an order detailing the relief granted and provide
12 a copy of the order to the prosecuting attorney where the
13 petition was filed and to the Alabama State Law Enforcement
14 Agency.

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

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

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

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

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

19 "§15-20A-26.

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

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

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

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

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

22 "(e) No juvenile sex offender shall be removed from
23 the supervision of the ~~sentencing~~ juvenile court until such
24 time as the juvenile sex offender has completed treatment, the
25 treatment provider has filed a risk assessment with the
26 sentencing court, and the sentencing court has conducted a

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

3 "§15-20A-27.

4 "(a) In determining whether to apply notification
5 requirements to a juvenile sex offender, the sentencing court
6 shall consider any of the following factors relevant to the
7 risk of re-offense:

8 "(1) Conditions of release that minimize the risk of
9 re-offense, including, but not limited to, whether the
10 juvenile sex offender is under supervision of probation,
11 parole, or aftercare; receiving counseling, therapy, or
12 treatment; or residing in a home situation that provides
13 guidance and supervision.

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

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

21 "(4) Whether psychological or psychiatric profiles
22 indicate a risk of recidivism.

23 "(5) The relationship between the juvenile sex
24 offender and the victim.

25 "(6) The particular facts and circumstances
26 surrounding the offense.

1 "(7) The level of planning and participation in the
2 offense.

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

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

6 "(10) The response to treatment of the juvenile sex
7 offender.

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

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

12 "(13) The protection of society.

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

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

18 "(1) If the risk of re-offense is low, notification
19 that the juvenile sex offender will be establishing or has
20 established ~~his or her~~ a fixed residence shall be provided by
21 local law enforcement to the principal of the school where the
22 juvenile sex offender will attend after release. This
23 notification shall include the name, actual living address,
24 date of birth of the juvenile sex offender, and a statement of
25 the sex offense for which he or she has been adjudicated
26 delinquent, including the age and gender of the victim. This
27 information shall be considered confidential by the school and

1 be shared only with the teachers and staff with supervision
2 over the juvenile sex offender. ~~Whoever~~ Whoever, except as
3 specifically provided herein, directly or indirectly discloses
4 or makes use of or knowingly permits the use of information
5 concerning a juvenile sex offender described in this section,
6 upon conviction thereof, shall be guilty of a ~~Class A~~
7 ~~misdemeanor~~ Class C felony within the jurisdiction of the
8 juvenile court.

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

19 "(3) If the risk of re-offense is high, the public
20 shall receive notification as though the juvenile sex offender
21 were an adult sex offender in accordance with Section
22 15-20A-21.

23 "(c) The sentencing court shall enter an order
24 stating whether the juvenile sex offender shall be subject to
25 notification and the level of notification that shall be
26 applied. The court shall provide a copy of the order to the

1 prosecuting attorney and to the Alabama State Law Enforcement
2 Agency.

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

5 "§15-20A-28.

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

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) Sexual torture, as provided by Section
17 13A-6-65.1.

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

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

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

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

8 "(c) A juvenile sex offender who is not subject to
9 lifetime registration pursuant to subsection (a), shall be
10 subject to this chapter for a period of 10 years from the ~~last~~
11 ~~date of release from the offense subjecting the juvenile sex~~
12 ~~offender to registration in accordance with this chapter~~ first
13 registration.

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

23 "~~(e)~~ (d) The sentencing court or the juvenile court
24 where the juvenile sex offender resides, if the juvenile sex
25 offender's adjudication of delinquency occurred in another
26 jurisdiction, may give a juvenile sex offender credit for the

1 time the juvenile sex offender was registered in another
2 jurisdiction.

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

7 "§15-20A-31.

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

15 "(b) 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~~
18 provide employment or ~~accept a volunteer services from~~
19 position to a juvenile sex offender.

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

22 "§15-20A-32.

23 "(a) A juvenile sex offender or youthful offender
24 sex offender, or equivalent thereto, who is not currently a
25 resident of this state, shall immediately appear in person and
26 register all required registration information upon
27 establishing a residence, accepting employment or a volunteer

1 position, or beginning school attendance in this state with
2 local law enforcement in each county where the juvenile sex
3 offender or youthful offender sex offender resides or intends
4 to reside, accepts employment or a volunteer position, or
5 begins school attendance.

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

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

18 "(d) Whenever a youthful offender sex offender, or
19 equivalent thereto, enters this state to establish a
20 residence, he or she shall be subject to the requirements of
21 this chapter as it applies to youthful offender sex offenders
22 in this state.

23 "(e) A juvenile sex offender or youthful offender
24 sex offender entering this state to accept employment or a
25 volunteer position or to begin school attendance, but not to
26 establish a residence, must immediately appear in person and
27 register any subsequent changes to the required registration

1 information with local law enforcement in each county where he
2 or she is required to register.

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

5 "§15-20A-34.

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

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

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

20 "(2) If the juvenile sex offender was adjudicated
21 delinquent of a sex offense in a jurisdiction outside of this
22 state, the petition shall be filed in the juvenile court of
23 the county in which the juvenile sex offender resides.

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

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

4 "b. The prosecuting attorney of the county in which
5 the juvenile sex offender resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 "(1) Recommendations from the juvenile sex
18 offender's probation officer, including, but not limited to,
19 the recommendations in the predisposition report and the
20 juvenile sex offender's compliance with supervision
21 requirements.

22 "(2) Recommendations from the juvenile sex
23 offender's treatment provider, including, but not limited to,
24 whether the juvenile sex offender successfully completed a
25 treatment program approved by the Department of Youth
26 Services.

27 "(3) Recommendations from the prosecuting attorney.

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

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

8 "(6) Any criminal behavior of the juvenile sex
9 offender before and after the adjudication of delinquency that
10 requires reporting.

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

14 "(8) The protection of society.

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

16 "(h) If the court is satisfied by clear and
17 convincing evidence that the juvenile sex offender is
18 rehabilitated and does not pose a threat to the safety of the
19 public, the court ~~may~~ shall grant relief.

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

23 "(j) Upon receipt of a copy of an order granting
24 relief as provided in this section, the Alabama State Law
25 Enforcement Agency shall remove the juvenile sex offender from
26 the public registry website. If the registering agencies
27 maintain a local registry of sex offenders who are registered

1 with their agencies, the registering agencies shall remove the
2 registration information of the juvenile sex offender from the
3 local sex offender public registry, if notification applied.

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

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

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

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

24 "§15-20A-37.

25 "(a) When a sex offender declares, and the county is
26 notified that a sex offender intends to reside, ~~be employed~~
27 maintain employment or a volunteer position, or attend school

1 in the county and the sex offender fails to appear for
2 registration, the county that received the notice shall
3 immediately inform the sheriff of the county that provided the
4 notice that the sex offender failed to appear for
5 registration.

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

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

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

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

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

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

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

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

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

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 Alabama
24 State Law Enforcement Agency in a manner determined by the
25 Secretary of the Alabama State Law Enforcement Agency and
26 promulgated in rule by the secretary upon recommendation of an
27 advisory board consisting of representatives of the office of

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

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

9 "(c) The Alabama State Law Enforcement Agency shall
10 immediately enter all registration information received into
11 its sex offender database.

12 "(d) All information received by the Alabama State
13 Law Enforcement Agency shall be immediately forwarded to the
14 following by the Alabama State Law Enforcement Agency:

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

18 "(2) The Sex Offender Registration and Notification
19 Act Exchange Portal.

20 "(3) The National Sex Offender Registry.

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

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

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

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

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

6 "(e) Upon request, all registration information
7 shall be available in electric form to all federal, state,
8 county, and municipal law enforcement agencies, prosecuting
9 attorneys, probation officers, and any agency responsible for
10 conducting employment-related background checks under the
11 National Child Protection Act agencies in electronic form of
12 1993 (42 U.S.C. 5119a).

13 "(f) No existing state laws, including, but not
14 limited to, statutes that would otherwise make juvenile and
15 youthful offender records confidential, shall preclude the
16 disclosure of any information requested by a responsible
17 agency, a law enforcement officer, a criminal justice agency,
18 the Office of the Attorney General, or a prosecuting attorney
19 for purposes of administering, implementing, or enforcing this
20 chapter. No state law shall preclude the disclosure of any
21 information concerning a juvenile sex offender or youthful
22 offender sex offender to the Department of Human Resources for
23 the purpose of conducting an assessment with regard to a
24 person as provided by law.

25 "(g) The sheriff of each county shall maintain a
26 register or roster of the names of all persons registered by
27 him or her pursuant to this chapter. The information contained

1 in the register or roster shall be made available, upon
2 request, to all federal, state, county, and municipal law
3 enforcement agencies, prosecuting attorneys, or probation
4 officers for the administration, implementation, or
5 enforcement of this chapter.

6 "(h) Notwithstanding any other provision of law to
7 the contrary, a sex offender's Internet identifiers as
8 described in subdivision (9) of subsection (a) of Section
9 15-20A-7, and a sex offender's Internet service providers as
10 described in subdivision (18) of subsection (a) of Section
11 15-20A-7, may only be disclosed pursuant to federal law or to
12 law enforcement for the purpose of administering,
13 implementing, or enforcing this chapter or to prevent or
14 investigate a crime by the sex offender based on an
15 articulable basis for suspicion. In no event shall such
16 information be disclosed other than for one of the purposes
17 identified in the preceding sentence. A violation of this
18 subsection shall constitute a Class A misdemeanor.

19 "§15-20A-43.

20 "(a) Except as provided in Sections 15-20A-5,
21 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-34 or the
22 former 15-20-21(4) (a), the ~~sex offender registration and~~
23 ~~notification~~ requirements ~~required by~~ of this chapter are
24 mandatory and shall not be altered, amended, waived, or
25 suspended by any court. Any court order altering, amending,
26 waiving, or suspending sex offender registration and
27 notification requirements, except as provided in Sections

1 15-20A-5, 15-20A-16, 15-20A-23, 15-20A-24, 15-20A-25,
2 15-20A-34 or the former 15-20-21(4) (a), shall be null, void,
3 and of no effect.

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

7 "(1) At the time of the commission of the sex
8 offense, the sex offender was less than five years older than
9 the victim.

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

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

14 Section 7. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621 because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

20 Section 8. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.