

HB452 INTRODUCED



1 HB452
2 WUDYE55-1
3 By Representative Butler
4 RFD: Judiciary
5 First Read: 11-Apr-24



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SYNOPSIS:

Under existing law, certain persons who are convicted of a sex offense are subject to registration and notification requirements.

This bill would provide that a sex offender convicted of a sex offense where the victim was 12 years of age or younger may not utilize a post office box or any electronic media, including, but not limited to, a computer tablet, gaming system, or phone that allows access to the Internet, except when approved by his or her probation or parole officer.

This bill would provide that the Board of Pardons and Paroles or a court, as a condition of release, may require an adult sex offender to receive sex offender treatment. The treatment may include, but not be limited to, periodic polygraph examinations.

This bill would provide for penalties for violations.

This bill would also require the Board of Pardons and Paroles to adopt rules.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to sex offenders; to add Sections 15-20A-19.01
31 and 15-20A-20.01 to the Code of Alabama 1975, to provide that
32 certain sex offenders be prohibited from utilizing a post
33 office box or electronic media in certain circumstances; to
34 provide that certain sex offenders, as a condition of release,
35 be required to receive sex offender treatment; and to provide
36 for criminal penalties for violations; and to amend Section
37 15-20A-44, Code of Alabama 1975, to require the Board of
38 Pardons and Paroles adopt rules.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. Sections 15-20A-19.01 and 15-20A-20.01 are
41 added to the Code of Alabama 1975, to read as follows:

42 §15-20A-19.01

43 (a) No adult sex offender convicted of a sex offense
44 where the victim was 12 years of age or younger may utilize a
45 post office box nor possess any electronic media, including,
46 but not limited to, a computer, tablet, gaming system, or
47 phone that allows access to the Internet, except when approved
48 by his or her probation or parole officer.

49 (b) A person who knowingly violates this section shall
50 be guilty of a Class C felony.

51 §15-20A-20.01

52 (a) The Board of Pardons and Paroles or a court, as a
53 condition of release on parole, probation, community
54 corrections, court referral officer supervision, pretrial
55 release, or any other community-based punishment option, may
56 require that an adult sex offender be required to receive sex



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57 offender treatment by a sex offender treatment program or
58 provider approved by the Board of Pardons and Paroles. The
59 treatment may include, but is not limited to, periodic
60 polygraph examinations.

61 (b) An adult sex offender subject to sex offender
62 treatment programs pursuant to subsection (a) may not change a
63 treatment provider without prior approval by the court or the
64 Board of Pardons and Paroles.

65 (c) An adult sex offender subject to a sex offender
66 treatment program or periodic polygraph examinations pursuant
67 to this section, unless he or she is indigent, shall be
68 required to pay the costs of any sex offender treatment
69 program and the costs of administering the polygraph
70 examination. The Board of Pardons and Paroles, the sentencing
71 court, or other supervising entity shall determine the amount
72 to be paid based on the person's financial means and ability
73 to pay.

74 (d) A polygraph examination conducted pursuant to this
75 section shall be conducted by a licensed Alabama Polygraph
76 Examiner with an advanced Post Conviction Sex Offender Testing
77 certification in compliance with the American Polygraph
78 Association. The polygraph examinations must include not less
79 than two history, maintenance, or monitoring polygraph
80 examinations in a calendar year and any additional polygraph
81 examinations necessary to identify and discern the progression
82 of therapy facilitated through the treatment provider. The
83 Board of Pardons and Paroles, in coordination with the
84 treatment provider, shall determine the frequency of the



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85 polygraph examinations.

86 (e) A person who fails to participate in any sex
87 offender treatment required by this section shall be guilty of
88 a Class C felony.

89 Section 2. Section 15-20A-44, Code of Alabama 1975, is
90 amended to read as follows:

91 "§15-20A-44

92 (a) The Secretary of the Alabama State Law Enforcement
93 Agency shall adopt rules establishing an administrative
94 hearing for persons who are only made subject to this chapter
95 pursuant to ~~subdivision (35) of~~ Section 15-20A-5 (35).

96 (b) The Secretary of the Alabama State Law Enforcement
97 Agency shall adopt rules setting forth a listing of offenses
98 from other jurisdictions that are to be considered criminal
99 sex offenses under ~~subdivision (35) of~~ Section 15-20A-5 (35).
100 Thereafter, any individual convicted of any offense set forth
101 in the listing shall immediately be subject to this chapter
102 and shall not be entitled to an administrative hearing as
103 provided in subsection (a).

104 (c) The Secretary of the Alabama State Law Enforcement
105 Agency may adopt ~~any rules as are~~ necessary to implement and
106 enforce this chapter.

107 (d) The Executive Director of the Board of Pardons and
108 Paroles shall adopt rules necessary to implement and enforce
109 this chapter."

110 Section 3. This act shall become effective on October
111 1, 2024.