

1 HB378  
2 129333-6  
3 By Representative Galliher  
4 RFD: Judiciary  
5 First Read: 29-MAR-11

1 ENGROSSED

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

8 Relating to sex offender registration and  
9 notification; to repeal Sections 13A-11-200, 13A-11-201, and  
10 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code  
11 of Alabama 1975, to provide a system for registration by  
12 adults and juveniles convicted of certain sex offenses; to  
13 provide a system of notification of victims and other members  
14 of the general public of information regarding certain sex  
15 offenders; to provide residence and employment restrictions  
16 for sex offenders; to provide for registration fees; to  
17 provide for the duties of clerks of court, magistrates, and  
18 judges with regard to sex offenders; and in connection  
19 therewith would have as its purpose or effect the requirement  
20 of a new or increased expenditure of local funds within the  
21 meaning of Amendment 621 of the Constitution of Alabama of  
22 1901, now appearing as Section 111.05 of the Official  
23 Recompilation of the Constitution of Alabama of 1901, as  
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. This act shall be known and may be cited  
2 as the Alabama Sex Offender Registration and Community  
3 Notification Act.

4           Section 2. The Legislature makes all of the  
5 following findings:

6           (1) Registration and notification laws are a vital  
7 concern as the number of sex offenders continues to rise. The  
8 increasing numbers coupled with the danger of recidivism place  
9 society at risk. Registration and notification laws strive to  
10 reduce these dangers by increasing public safety and mandating  
11 the release of certain information to the public. This release  
12 of information creates better awareness and informs the public  
13 of the presence of sex offenders in the community, thereby  
14 enabling the public to take action to protect themselves.  
15 Registration and notification laws aid in public awareness and  
16 not only protect the community but serve to deter sex  
17 offenders from future crimes through frequent in-person  
18 registration. Frequent in-person registration maintains  
19 constant contact between sex offenders and law enforcement,  
20 providing law enforcement with priceless tools to aid them in  
21 their investigations including obtaining information for  
22 identifying, monitoring, and tracking sex offenders.

23           (2) Juvenile sex offenders also pose a risk to the  
24 community. Due to juvenile sex offenders offending in their  
25 formative years, it is imperative that they receive sex  
26 offender treatment. At the completion of sex offender  
27 treatment, all juvenile sex offenders must undergo a risk

1 assessment, and a hearing must be held by the court to  
2 determine their level of risk to the community and the level  
3 of notification that should be provided to best protect the  
4 public. Juvenile sex offenders adjudicated delinquent of the  
5 most serious offenses who pose a greater threat should be  
6 subject to more stringent requirements.

7 (3) Homeless sex offenders are a group of sex  
8 offenders who need to be monitored more frequently for the  
9 protection of the public. Homeless sex offenders present a  
10 growing concern for law enforcement due to their mobility. As  
11 the number of homeless sex offenders increases, locating,  
12 tracking, and monitoring these offenders becomes more  
13 difficult.

14 (4) Sexually violent offenders also cause increased  
15 concern for law enforcement. These predators are repeat sexual  
16 offenders who use physical violence, offend on multiple  
17 victims, and prey on children. Due to their likelihood to  
18 engage in future sexually violent behavior, they present an  
19 extreme threat to the public safety. The Legislature declares  
20 that its intent in imposing additional tracking and monitoring  
21 requirements on sexually violent predators is to assist law  
22 enforcement in carrying out their duties and, most  
23 importantly, to protect the public, especially children.

24 (5) Sex offenders, due to the nature of their  
25 offenses, have a reduced expectation of privacy. In balancing  
26 the sex offender's rights, and the interest of public safety,  
27 the Legislature finds that releasing certain information to

1 the public furthers the primary governmental interest of  
2 protecting vulnerable populations, particularly children.  
3 Employment and residence restrictions, together with  
4 monitoring and tracking, also further that interest. The  
5 Legislature declares that its intent in imposing certain  
6 registration, notification, monitoring, and tracking  
7 requirements on sex offenders is not to punish sex offenders  
8 but to protect the public and, most importantly, promote child  
9 safety.

10 Section 3. (a) This act is applicable to every adult  
11 sex offender convicted of a sex offense as defined in Section  
12 5, without regard to when his or her crime or crimes were  
13 committed or his or her duty to register pursuant to the act  
14 arose.

15 (b) Any adult sex offender shall be subject to this  
16 act for life.

17 (c) This act is applicable to juvenile sex offenders  
18 who are adjudicated delinquent pursuant to the Alabama  
19 Juvenile Justice Act, Sections 12-15-101 to 12-15-601,  
20 inclusive, formerly Sections 12-15-1 to 12-15-176, inclusive,  
21 Code of Alabama 1975, of a sex offense as defined in Section  
22 5.

23 (d) A juvenile sex offender adjudicated delinquent  
24 of a sex offense as defined in Section 5 on or after July 1,  
25 2011, shall be subject to this act for the duration of time as  
26 provided in Section 28. A juvenile sex offender adjudicated  
27 delinquent of a sex offense as defined in Section 5 prior to

1 July 1, 2011, shall be subject to registration and  
2 verification pursuant to this act for 10 years from the last  
3 date of release on the sex offense subjecting the juvenile sex  
4 offender to registration, and the juvenile sex offender shall  
5 be subject to notification during the registration period if  
6 notification was previously ordered by the sentencing court.

7 (e) This act is applicable to youthful offender sex  
8 offenders who are adjudicated as a youthful offender pursuant  
9 to the Youthful Offender Act, Sections 15-19-1 to 15-19-7,  
10 Code of Alabama 1975, of a sex offense as defined in Section  
11 5.

12 (f) A youthful offender sex offender adjudicated as  
13 a youthful offender of a sex offense as defined in Section 5  
14 on or after July 1, 2011, shall be subject to this act as  
15 provided in Section 35. A youthful offender sex offender  
16 adjudicated as a youthful offender of a sex offense as defined  
17 in Section 5 prior to July 1, 2011, shall be treated as  
18 follows:

19 (1) If the youthful offender sex offender was not  
20 previously adjudicated or convicted of a sex offense, he or  
21 she shall be treated as a juvenile sex offender adjudicated  
22 prior to July 1, 2011, pursuant to subsection (d).

23 (2) If the youthful offender sex offender was  
24 previously adjudicated or convicted of a sex offense, he or  
25 she shall be treated as an adult sex offender pursuant to  
26 subsection (b).

1                   Section 4. For purposes of this act, the following  
2 words shall have the following meanings:

3                   (1) ADULT SEX OFFENDER. An adult convicted of a sex  
4 offense.

5                   (2) CHILD. A person who has not attained the age of  
6 12.

7                   (3) CHILDCARE FACILITY. A licensed child daycare  
8 center, a licensed childcare facility, or any other childcare  
9 service that is exempt from licensing pursuant to Section  
10 38-7-3, Code of Alabama 1975, provided that the licensed child  
11 daycare center, licensed childcare facility, or any other  
12 childcare service and location are public record or have been  
13 provided to local law enforcement.

14                   (4) CONVICTION. A determination or judgment of guilt  
15 following a verdict or finding of guilt as the result of a  
16 trial, a plea of guilty, a plea of nolo contendere, or an  
17 Alford plea. Conviction includes, but is not limited to, a  
18 conviction in a United States territory, a conviction in a  
19 federal or military tribunal, including a court martial  
20 conducted by the Armed Forces of the United States, a  
21 conviction for an offense committed on an Indian reservation  
22 or other federal property, a conviction in any state of the  
23 United States or a conviction in a foreign country if the  
24 foreign country's judicial system is such that it satisfies  
25 minimum due process set forth in the guidelines under Section  
26 111(5) (B) of Public Law 109-248. Cases on appeal are deemed  
27 convictions until reversed or overturned.

1 (5) EMPLOYMENT. Employment that is full-time,  
2 part-time, self-employment, or employment as an independent  
3 contractor or day laborer for any period, whether financially  
4 compensated, volunteered, or for the purpose of government or  
5 educational benefit.

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

9 (7) HABITUALLY LIVES. Where a person lives with some  
10 regularity on an intermittent or temporary basis.

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

12 (9) IMMEDIATELY. Within three business days.

13 (10) IMMEDIATE FAMILY MEMBER. A grandparent, parent,  
14 sibling, spouse, child of any age by blood, adoption, or  
15 marriage, or grandchild.

16 (11) JURISDICTION. Any state of the United States,  
17 any United States territory, the District of Columbia, or any  
18 federally recognized Indian tribe.

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

22 (13) LOCAL LAW ENFORCEMENT. The sheriff of the  
23 county and the chief of police if the location subject to  
24 registration is within the corporate limits of any  
25 municipality.

26 (14) MINOR. A person who has not attained the age of  
27 18.



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

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

12           (17) REGISTERING AGENCY. Any law enforcement agency  
13 where the sex offender registers required registration  
14 information.

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

25           (19) REQUIRED REGISTRATION INFORMATION. Any  
26 information required pursuant to Section 7.

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

13           (21) RESPONSIBLE AGENCY. The person or government  
14 entity whose duty it is to obtain information from a sex  
15 offender and to transmit that information to the Department of  
16 Public Safety, police departments, and sheriffs. For a sex  
17 offender being released from state prison, the responsible  
18 agency is the Department of Corrections. For a sex offender  
19 being released from a county jail, the responsible agency is  
20 the sheriff of that county. For a sex offender being released  
21 from a municipal jail, the responsible agency is the chief of  
22 police of that municipality. For a sex offender being placed  
23 on probation, including conditional discharge or unconditional  
24 discharge, without any sentence of incarceration, the  
25 responsible agency is the sentencing court or designee of the  
26 sentencing court. For a juvenile sex offender being released  
27 from the Department of Youth Services, the responsible agency

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

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

15 (23) SCHOOL. A licensed or accredited public,  
16 private, or church school that offers instruction in grades  
17 K-12. The definition does not include a private residence in  
18 which students are taught by parents or tutors or any facility  
19 dedicated exclusively to the education of adults unless that  
20 facility has a childcare facility as defined in subsection  
21 (3).

22 (24) SENTENCING COURT. The court of adjudication or  
23 conviction.

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

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

4 (27) SEX OFFENDER. Includes any adult sex offender,  
5 any youthful offender sex offender, and any juvenile sex  
6 offender.

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

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

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

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

24 Section 5. For the purposes of this act, a sex  
25 offense includes any of the following offenses:

26 (1) Rape in the first degree, as provided by Section  
27 13A-6-61, Code of Alabama 1975.

1           (2) Rape in the second degree, as provided by  
2 Section 13A-6-62, Code of Alabama 1975.

3           (3) Sodomy in the first degree, as provided by  
4 Section 13A-6-63, Code of Alabama 1975.

5           (4) Sodomy in the second degree, as provided by  
6 Section 13A-6-64, Code of Alabama 1975.

7           (5) Sexual misconduct, as provided by Section  
8 13A-6-65, Code of Alabama 1975, provided that on a first  
9 conviction or adjudication the sex offender is only subject to  
10 registration and verification pursuant to this act. On a  
11 second or subsequent conviction or adjudication, if the second  
12 or subsequent conviction or adjudication does not arise out of  
13 the same set of facts and circumstances as the first  
14 conviction or adjudication, the sex offender shall comply with  
15 all requirements of this act. The sentencing court may exempt  
16 from this act a juvenile sex offender adjudicated delinquent  
17 of sexual misconduct.

18           (6) Sexual torture, as provided by Section  
19 13A-6-65.1, Code of Alabama 1975.

20           (7) Sexual abuse in the first degree, as provided by  
21 Section 13A-6-66, Code of Alabama 1975.

22           (8) Sexual abuse in the second degree, as provided  
23 by Section 13A-6-67, Code of Alabama 1975.

24           (9) Indecent exposure, as provided by Section  
25 13A-6-68, Code of Alabama 1975, provided that on a first  
26 conviction or adjudication the sex offender is only subject to  
27 registration and verification pursuant to this act. On a

1 second or subsequent conviction or adjudication, if the second  
2 or subsequent conviction or adjudication does not arise out of  
3 the same set of facts and circumstances as the first  
4 conviction or adjudication, the sex offender shall comply with  
5 all requirements of this act. The sentencing court may exempt  
6 from this act a juvenile sex offender adjudicated delinquent  
7 of indecent exposure.

8 (10) Enticing a child to enter a vehicle, room,  
9 house, office, or other place for immoral purposes, as  
10 provided by Section 13A-6-69, Code of Alabama 1975.

11 (11) Sexual abuse of a child less than 12 years old,  
12 as provided by Section 13A-6-69.1, Code of Alabama 1975.

13 (12) Promoting prostitution in the first degree, as  
14 provided by Section 13A-12-111, Code of Alabama 1975.

15 (13) Promoting prostitution in the second degree, as  
16 provided by Section 13A-12-112, Code of Alabama 1975.

17 (14) Violation of the Alabama Child Pornography Act,  
18 as provided by Sections 13A-12-191, 13A-12-192, 13A-12-196, or  
19 13A-12-197, Code of Alabama 1975.

20 (15) Unlawful imprisonment in the first degree, as  
21 provided by Section 13A-6-41, Code of Alabama 1975, if the  
22 victim of the offense is a minor.

23 (16) Unlawful imprisonment in the second degree, as  
24 provided by Section 13A-6-42, Code of Alabama 1975, if the  
25 victim of the offense is a minor.

26 (17) Kidnapping in the first degree, as provided by  
27 subdivision (4) of subsection (a) of Section 13A-6-43, Code of

1 Alabama 1975, if the intent of the abduction is to violate or  
2 abuse the victim sexually.

3 (18) Kidnapping of a minor, except by a parent,  
4 guardian, or custodian, as provided by Section 13A-6-43 or  
5 13A-6-44, Code of Alabama 1975.

6 (19) Incest, as provided by Section 13A-13-3, Code  
7 of Alabama 1975.

8 (20) Transmitting obscene material to a child by  
9 computer, as provided by Section 13A-6-111, Code of Alabama  
10 1975.

11 (21) School employee engaging in a sex act or  
12 deviant sexual intercourse with a student, as provided by  
13 Section 13A-6-81, Code of Alabama 1975.

14 (22) School employee having sexual contact with a  
15 student, as provided by Section 13A-6-82, Code of Alabama  
16 1975.

17 (23) Facilitating solicitation of unlawful sexual  
18 conduct with a child, as provided by Section 13A-6-121, Code  
19 of Alabama 1975.

20 (24) Electronic solicitation of a child, as provided  
21 by Section 13A-6-122, Code of Alabama 1975.

22 (25) Facilitating the on-line solicitation of a  
23 child, as provided by Section 13A-6-123, Code of Alabama 1975.

24 (26) Traveling to meet a child for an unlawful sex  
25 act, as provided by Section 13A-6-124, Code of Alabama 1975.

1 (27) Facilitating the travel of a child for an  
2 unlawful sex act, as provided by Section 13A-6-125, Code of  
3 Alabama 1975.

4 (28) Human trafficking in the first degree, as  
5 provided by Section 13A-6-152, Code of Alabama 1975, provided  
6 that the offense involves sexual servitude.

7 (29) Human trafficking in the second degree, as  
8 provided by Section 13A-6-153, Code of Alabama 1975, provided  
9 that the offense involves sexual servitude.

10 (30) Custodial sexual misconduct, as provided by  
11 Section 14-11-31, Code of Alabama 1975.

12 (31) Any offense which is the same as or equivalent  
13 to any offense set forth above as the same existed and was  
14 defined under the laws of this state existing at the time of  
15 such conviction, specifically including, but not limited to,  
16 crime against nature, as provided by Section 13-1-110; rape,  
17 as provided by Sections 13-1-130 and 13-1-131; carnal  
18 knowledge of a woman or girl, as provided by ~~Section~~ Sections  
19 13-1-132 through 13-1-135, or attempting to do so, as provided  
20 by Section 13-1-136; indecent molestation of children, as  
21 defined and provided by Section 13-1-113; indecent exposure,  
22 as provided by Section 13-1-111; incest, as provided by  
23 Section 13-8-3; offenses relative to obscene prints and  
24 literature, as provided by Sections 13-7-160 through 13-7-175,  
25 inclusive; employing, harboring, procuring or using a girl  
26 over 10 and under 18 years of age for the purpose of  
27 prostitution or sexual intercourse, as provided by Section



1 13-7-1; seduction, as defined and provided by Section  
2 13-1-112; a male person peeping into a room occupied by a  
3 female, as provided by Section 13-6-6; assault with intent to  
4 ravish, as provided by Section 13-1-46; and soliciting a child  
5 by computer, as provided by Section 13A-6-110, Code of Alabama  
6 1975.

7 (32) Any solicitation, attempt, or conspiracy to  
8 commit any of the offenses listed in subdivisions (1) to (31).

9 (33) Any crime committed in Alabama or any other  
10 state, the District of Columbia, any United States territory,  
11 or a federal, military, Indian, or foreign country  
12 jurisdiction which, if it had been committed in this state  
13 under the current provisions of law, would constitute an  
14 offense listed in subdivisions (1) to (32).

15 (34) Any offense specified by Title I of the federal  
16 Adam Walsh Child Protection and Safety Act of 2006 (Pub. L.  
17 109-248, the Sex Offender Registration and Notification Act  
18 (SORNA)).

19 (35) Any crime committed in another state, the  
20 District of Columbia, any United States territory, or a  
21 federal, military, Indian, or foreign country jurisdiction if  
22 that jurisdiction also requires that anyone convicted of that  
23 crime register as a sex offender in that jurisdiction.

24 (36) Any offender determined in any jurisdiction to  
25 be a sex offender shall be considered a sex offender in this  
26 state.

1           (37) The foregoing notwithstanding, any crime  
2 committed in any jurisdiction which, irrespective of the  
3 specific description or statutory elements thereof, is in any  
4 way characterized or known as rape, carnal knowledge, sodomy,  
5 sexual assault, sexual battery, criminal sexual conduct,  
6 criminal sexual contact, sexual abuse, continuous sexual  
7 abuse, sexual torture, solicitation of a child, enticing or  
8 luring a child, child pornography, lewd and lascivious  
9 conduct, taking indecent liberties with a child, molestation  
10 of a child, criminal sexual misconduct, or video voyeurism.

11           (38) Any crime not listed in this section wherein  
12 the underlying felony is an element of the offense and listed  
13 in subdivisions (1) to (37).

14           (39) Any other offense not provided for in this  
15 section wherein there is a finding of sexual motivation as  
16 provided by Section 6.

17           Section 6. (a) The prosecuting attorney may file an  
18 allegation of sexual motivation in any criminal case  
19 classified as a felony or Class A misdemeanor if sufficient  
20 admissible evidence exists that would justify a finding of  
21 sexual motivation by a reasonable and objective finder of  
22 fact.

23           (b) If the prosecuting attorney files an allegation  
24 of sexual motivation, the state shall prove beyond a  
25 reasonable doubt that the defendant committed the offense with  
26 a sexual motivation.

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

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

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

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

17 (g) This section shall not apply to sex offenses as  
18 defined in subdivisions (1) to (38) of Section 5.

19 Section 7. (a) The following registration  
20 information, unless otherwise indicated, shall be provided by  
21 the sex offender when registering:

22 (1) Name, including any aliases, nicknames, ethnic,  
23 or Tribal names.

24 (2) Date of birth.

25 (3) Social Security number.

26 (4) Address of each residence.

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

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

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

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

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

20 (10) A current photograph.

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

24 (12) Fingerprints and palm prints.

25 (13) A DNA sample. The DNA sample may be collected  
26 by the probation officer, sheriff, chief of police, or other  
27 responsible agency. Prior to collecting a DNA sample, the

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

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

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

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

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

25 (18) Any other information deemed necessary by the  
26 Director of the Department of Public Safety.

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

6 (1) A current photograph.

7 (2) Fingerprints or palm prints.

8 (3) A DNA sample.

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

11 (5) A photocopy of any and all passport and  
12 immigration documents.

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

23 (d) The required registration information shall  
24 include a form explaining all registration and notification  
25 duties, including any requirements and restrictions placed on  
26 the sex offender. This form shall be signed and dated by the  
27 sex offender. If the sex offender fails to sign the form, the

1       designee of the registering agency shall sign the form stating  
2       that the requirements have been explained to the sex offender  
3       and that the sex offender refused to sign.

4               (e) All required registration information shall be  
5       stored electronically in a manner determined by the Director  
6       of the Department of Public Safety and shall be available in a  
7       digitized format by the Department of Public Safety to anyone  
8       entitled to receive the information as provided in Section 42.

9               (f) Any person who fails to provide the required  
10       registration information pursuant to this section shall be  
11       guilty of a Class C felony.

12              Section 8. (a) All of the following registration  
13       information shall be provided on the public registry website  
14       maintained by the Department of Public Safety and may be  
15       provided on any community notification documents:

16              (1) Name, including any aliases, nicknames, ethnic,  
17       or Tribal names.

18              (2) Address of each residence.

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

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

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

4           (6) A current photograph.

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

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

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

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

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

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

18           (2) Social Security number.

19           (3) Travel and immigration document numbers.

20           (4) Victim identity.

21           (5) Internet identifiers.

22           (c) Any other required registration information may  
23 be included on the website as determined by the Director of  
24 the Department of Public Safety.

25           (d) All information shall immediately be posted on  
26 the public registry website upon receipt of the information by  
27 the Department of Public Safety.



1 (e) The website shall include field search  
2 capabilities to search for sex offenders by name, city, county  
3 or town, 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 to  
7 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.

15 Section 9. (a) At least 30 days prior to release, or  
16 immediately upon notice of release if release is less than 30  
17 days, of an adult sex offender from the county jail, municipal  
18 jail, Department of Corrections, or any other facility that  
19 has incarcerated the adult sex offender, or immediately upon  
20 conviction, if the adult sex offender is not incarcerated, the  
21 responsible agency shall:

22 (1) Inform the adult sex offender of his or her duty  
23 to register, instruct the adult sex offender to read and sign  
24 a form stating that the duty to register has been explained,  
25 and obtain the required registration information from the  
26 adult sex offender. If the adult sex offender refuses to sign  
27 the form, the designee of the responsible agency shall sign

1 the form stating that the requirements have been explained to  
2 the adult sex offender and that the adult sex offender refused  
3 to sign.

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

16 (3) If the adult sex offender declares his or her  
17 intent to reside outside of the state, the responsible agency  
18 shall immediately notify and provide the required registration  
19 information to the Department of Public Safety, the Attorney  
20 General, the district attorney in the county of conviction,  
21 and the designated state law enforcement agency of the state  
22 to which the adult sex offender has declared his or her intent  
23 to reside. The notification shall also include any other  
24 information available to the responsible agency which would be  
25 necessary to identify and trace the adult sex offender,  
26 including, but not limited to, each sex offense history or a

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

3 (4) If an adult sex offender is not able to provide  
4 a residence prior to the time of release, then the responsible  
5 agency shall notify the sheriff of the county where the last  
6 conviction for a sex offense or violation of this act took  
7 place at least five days prior to the release of the adult sex  
8 offender. Upon notice of the release date from the responsible  
9 agency, the sheriff of the county of the last conviction for a  
10 sex offense or a violation of this act shall make arrangements  
11 to have the adult sex offender immediately remanded to his or  
12 her custody to register in accordance with Section 10 at the  
13 time of release.

14 (5) Any adult sex offender who is due to be released  
15 due to the expiration of his or her sentence and who refuses  
16 to provide the required registration information shall be  
17 treated as follows:

18 a. If the adult sex offender has not accumulated any  
19 incentive time pursuant to Section 14-9-41 of the Code of  
20 Alabama 1975, or any other law, he or she shall be charged  
21 with violating this section. At least five days prior to his  
22 or her release date, the Department of Corrections shall  
23 notify the sheriff in the county where the last conviction for  
24 a sex offense or violation of this act took place, which  
25 county shall be the proper venue for arrest and prosecution of  
26 violation of this section. Upon notice of the release date,  
27 the sheriff from the county of the last conviction for a sex

1 offense or violation of this act shall make arrangements to  
2 have the adult sex offender immediately remanded to his or her  
3 custody at the time of release. Any adult sex offender charged  
4 with violating this section may only be released on bond on  
5 the condition that the adult sex offender is in compliance  
6 with this section before being released.

7 b. If the adult sex offender has accumulated  
8 correctional incentive time pursuant to Section 14-9-41 of the  
9 Code of Alabama 1975, or any other law, the adult sex offender  
10 shall be charged with non-compliance with this section and  
11 shall not be allowed early release, but instead shall forfeit  
12 all correctional incentive time that has accrued pursuant to  
13 Section 14-9-41, or other good time allowed by law.

14 (b) An adult sex offender who fails to comply with  
15 this section by failing to provide the required registration  
16 information shall be guilty of a Class C felony.

17 Section 10. (a) (1) Immediately upon release from  
18 incarceration, or immediately upon conviction if the adult sex  
19 offender is not incarcerated, the adult sex offender shall  
20 appear in person and register all required registration  
21 information with local law enforcement in each county in which  
22 the adult sex offender resides or intends to reside, accepts  
23 or intends to accept employment, and begins or intends to  
24 begin school attendance.

25 (2) An adult sex offender who registers pursuant to  
26 subdivision (1) shall have 7 days from release to comply with

1 the residence restrictions pursuant to subsection (a) of  
2 Section 11.

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

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

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

1 (d) Immediately upon any name change, the adult sex  
2 offender shall immediately appear in person to update the  
3 information with local law enforcement in each county in which  
4 the adult sex offender is required to register.

5 (e) Upon changing any required registration  
6 information the adult sex offender shall immediately appear in  
7 person and update the information with local law enforcement  
8 in each county in which the adult sex offender resides.

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

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

24 (h) For purposes of this section, a school includes  
25 an educational institution, public or private, including a  
26 secondary school, a trade or professional school, or an  
27 institution of higher education.

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

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

7 Section 11. (a) No adult sex offender shall  
8 establish a residence, maintain a residence after release or  
9 conviction, or establish any other living accommodation within  
10 2,000 feet of the property on which any school or childcare  
11 facility is located unless otherwise exempted pursuant to  
12 Sections 23 and 24.

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

19 (c) Changes to property within 2,000 feet of a  
20 registered address of an adult sex offender which occur after  
21 the adult sex offender establishes residency shall not form  
22 the basis for finding that the adult sex offender is in  
23 violation of this section.

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

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

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

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

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

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

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

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



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

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

6           (3) Whenever an adult sex offender spends 10 or more  
7 aggregate days at a location during a calendar month.

8           (4) Whenever an adult sex offender vacates or fails  
9 to spend three or more consecutive days at his or her  
10 residence without previously notifying local law enforcement  
11 pursuant to Section 15.

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

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

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

23           Section 12. (a) An adult sex offender who no longer  
24 has a fixed residence shall be considered homeless and shall  
25 appear in person and report such change in fixed residence to  
26 local law enforcement where he or she is located immediately  
27 upon such change in fixed residence.

1 (b) In addition to complying with the registration  
2 and verification requirements pursuant to Section 10, a  
3 homeless adult sex offender who lacks a fixed residence, or  
4 who does not provide an address at a fixed residence at the  
5 time of release or registration, shall report in person once  
6 every seven days to local law enforcement where he or she  
7 resides. The weekly report shall be on a day specified by  
8 local law enforcement and shall occur during normal business  
9 hours.

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

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

16 a. Name.

17 b. Date of birth.

18 c. Social Security number.

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

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

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

1 any changes to the remaining required registration  
2 information.

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

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

10 Section 13. (a) No adult sex offender shall apply  
11 for, accept, or maintain employment or vocation or volunteer  
12 at any school, childcare facility, mobile vending business  
13 that provides services primarily to children, or any other  
14 business or organization that provides services primarily to  
15 children.

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

21 (c) No adult sex offender, after having been  
22 convicted of a sex offense involving a child, shall apply for,  
23 accept, or maintain employment or vocation or volunteer for  
24 any employment or vocation within 500 feet of a playground,  
25 park, athletic field or facility, or any other business or  
26 facility having a principal purpose of caring for, educating,  
27 or entertaining minors.

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

6 (e) It shall be unlawful for the owner or operator  
7 of any childcare facility or any other organization that  
8 provides services primarily to children to knowingly employ or  
9 accept volunteer services from an adult sex offender.

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

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

15 Section 14. (a) Any adult sex offender who enters  
16 this state and establishes a residence shall immediately  
17 appear in person and register all required registration  
18 information with local law enforcement in the county of  
19 residence.

20 (b) Any adult sex offender who enters this state to  
21 accept employment, carry on a vocation, or to become a student  
22 and who has not established a residence in this state shall  
23 immediately appear in person and register all required  
24 registration information with local law enforcement in the  
25 county where the adult sex offender accepts employment,  
26 carries on a vocation, or becomes a student.

1 (c) Whenever an adult sex offender registers  
2 pursuant to this section, he or she shall be subject to the  
3 requirements of this act.

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

10 (e) Any person who violates this section shall be  
11 guilty of a Class C felony.

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

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

21 (c) If a sex offender intends to travel to another  
22 country, he or she shall report in person to local law  
23 enforcement in each county of residence at least 21 days prior  
24 to such travel. Any information reported to local law  
25 enforcement in each county of residence shall immediately be  
26 reported to the United States Marshals Service and the  
27 Department of Public Safety.

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

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

11 (f) Upon return to the county of residence, the  
12 adult sex offender shall immediately report to local law  
13 enforcement in each county of residence.

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

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

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

25 (b) No adult sex offender shall knowingly come  
26 within 100 feet of a former victim.

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

3 Section 17. (a) No adult sex offender, after having  
4 been convicted of a sex offense involving a minor, shall  
5 loiter on or within 500 feet of the property line of any  
6 property on which there is a school, childcare facility,  
7 playground, park, athletic field or facility, school bus stop,  
8 college or university, or any other business or facility  
9 having a principal purpose of caring for, educating, or  
10 entertaining minors.

11 (b) Under this section, loiter means to enter or  
12 remain on property while having no legitimate purpose or, if a  
13 legitimate purpose exists, remaining on that property beyond  
14 the time necessary to fulfill that purpose. An adult sex  
15 offender does not violate this section unless he or she has  
16 first been asked to leave a prohibited location by a person  
17 authorized to exclude the adult sex offender from the  
18 premises. An authorized person includes, but is not limited  
19 to, any law enforcement officer, security officer, any owner  
20 or manager of the premises, a principal, teacher, or school  
21 bus driver if the premises is a school, childcare facility, or  
22 bus stop, a coach, if the premises is an athletic field or  
23 facility, or any person designated with that authority.

24 (c) For purposes of this section, a school bus stop  
25 is any location where a motor vehicle owned or operated by or  
26 on behalf of a public or private school stops on a regular

1 basis for the purpose of transporting children to and from  
2 school.

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

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

21 (b) The adult sex offender shall immediately obtain  
22 a valid driver license or identification card upon his or her  
23 initial registration following release, initial registration  
24 upon entering the state to become a resident, or immediately  
25 following his or her next registration after July 1, 2011.

26 (c) Whenever the Department of Public Safety issues  
27 or renews a driver license or identification card to an adult



1 sex offender, the driver license or identification card shall  
2 bear a designation that enables law enforcement officers to  
3 identify the licensee as a sex offender.

4 (d) Upon obtaining or renewing a driver license or  
5 identification card bearing a designation that enables law  
6 enforcement officers to identify the licensee as a sex  
7 offender, the adult sex offender shall relinquish to the  
8 Department of Public Safety any other driver license or  
9 identification card previously issued to him or her which does  
10 not bear any designation enabling law enforcement officers to  
11 identify the licensee as a sex offender.

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

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

1           Section 19. (a) The state, upon conviction and prior  
2 to sentencing, may petition the sentencing court to enter an  
3 order declaring a person convicted in this state of a sexually  
4 violent or predatory offense as a sexually violent predator.

5           (b) At sentencing, a court may declare a person to  
6 be a sexually violent predator. For the purposes of this  
7 section, a person is a sexually violent predator if either of  
8 the following applies:

9           (1) The person is a repeat sexually violent  
10 offender.

11           (2) The person commits a sexually violent offense  
12 and is likely to engage in one or more sexually violent  
13 offenses in the future.

14           (c) A person is a repeat sexually violent offender  
15 for the purposes of this section if the person is convicted of  
16 more than one sexually violent offense.

17           (d) For the purposes of this section, a sexually  
18 violent offense is any of the following:

19           (1) A sex offense committed by forcible compulsion,  
20 violence, duress, menace, fear of immediate bodily injury to  
21 the victim or another person, or threatening to retaliate in  
22 the future against the victim or any other person.

23           (2) A sex offense involving a child.

24           (3) Any sex offense involving the enticement or  
25 solicitation of a minor for sexual purposes.

26           (4) Any sex offense that is predatory in nature.

1           (5) Any solicitation, attempt, or conspiracy to  
2 commit any of the offenses listed in subdivisions (1) to (4).

3           (6) Any other offense for which the court makes a  
4 specific finding on the record that, based on the  
5 circumstances of the case, the person's offense should be  
6 considered a sexually violent offense.

7           (e) Any of the following factors may be considered  
8 as evidence tending to indicate that there is a likelihood  
9 that the person will engage in the future in one or more  
10 sexually violent offenses:

11           (1) The person has been convicted two or more times,  
12 in separate criminal actions, of a sexually violent offense.  
13 For purposes of this subdivision, convictions that result from  
14 or are connected with the same act or result from offenses  
15 committed at the same time are one conviction.

16           (2) The person has been convicted of a sexually  
17 violent offense involving two or more victims regardless of  
18 when the acts or convictions occurred.

19           (3) Available information or evidence suggests that  
20 the person chronically commits offenses with a sexual  
21 motivation.

22           (4) The person has committed one or more offenses in  
23 which the person has tortured or engaged in ritualistic acts  
24 with one or more victims.

25           (5) The person has committed one or more sex  
26 offenses in which one or more victims were physically harmed

1 to the degree that the particular victim's life was in  
2 jeopardy.

3 (6) Any other evidence deemed relevant by the court.

4 (f) If the state so petitions, it shall present  
5 clear and convincing evidence that the sex offender is likely  
6 to engage in one or more future sexually violent offenses or  
7 is likely to engage in future predatory sex offenses.

8 (g) Any sex offender determined in any other state  
9 to be a sexually violent predator shall be considered a  
10 sexually violent predator in this state.

11 (h) A sexually violent predator, as a condition of  
12 the sex offender's release from incarceration, shall be  
13 subject to electronic monitoring and be required to pay the  
14 costs of such monitoring, as set forth in Section 20, for a  
15 period of no less than 10 years from the date of the sexually  
16 violent predator's release. This requirement shall be imposed  
17 by the sentencing court as a part of the sexually violent  
18 predator's sentence, as provided in subsection (c) of Section  
19 13A-5-6, Code of Alabama 1975, and Section 20.

20 Section 20. (a) The Alabama Criminal Justice  
21 Information Center shall implement a system of active and  
22 passive electronic monitoring that identifies the location of  
23 a monitored person and that can produce upon request reports  
24 or records of the person's presence near or within a crime  
25 scene or prohibited area, the person's departure from  
26 specified geographic limitations, or curfew violations by the  
27 offender. The Director of the Criminal Justice Information

1 Center may promulgate any rules as are necessary to implement  
2 and administer this system of active electronic monitoring  
3 including establishing policies and procedures to notify the  
4 person's probation and parole officer or other court-appointed  
5 supervising authority when a violation of his or her  
6 electronic monitoring restrictions has occurred.

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

14 (c) Any person designated a sexually violent  
15 predator pursuant to Section 19, upon release from  
16 incarceration, shall be subject to electronic monitoring  
17 supervised by the Board of Pardons and Paroles, as provided in  
18 subsection (a), for a period of no less than 10 years from the  
19 date of the sexually violent predator's release. This  
20 requirement shall be imposed by the sentencing court as a part  
21 of the sentence of the sexually violent predator in accordance  
22 with subsection (c) of Section 13A-5-6, Code of Alabama 1975.

23 (d) Any person convicted of a Class A felony sex  
24 offense involving a child as defined in Section 4, upon  
25 release from incarceration, shall be subject to electronic  
26 monitoring supervised by the Board of Pardons and Paroles, as  
27 provided in subsection (a), for a period of no less than 10

1 years from the date of the sex offender's release. This  
2 requirement shall be imposed by the sentencing court as a part  
3 of the sex offender's sentence in accordance with subsection  
4 (c) of Section 13A-5-6, Code of Alabama 1975.

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

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

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

21 (h) The procurement of any product or services  
22 necessary for compliance with Act 2005-301, including any  
23 system of electronic monitoring, any equipment, and the  
24 building of a website, shall be subject to the competitive bid  
25 process.

26 Section 21. (a) Immediately upon the release of an  
27 adult sex offender or immediately upon notice of where the

1 adult sex offender plans to establish, or has established a  
2 residence, the following procedures shall apply:

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

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

20 (3) In all other municipalities with a resident  
21 population of less than 5,000, and in all unincorporated  
22 areas, the sheriff of the county in which the adult sex  
23 offender intends to reside shall notify all persons who have a  
24 legal residence within 2,000 feet of the declared residence of  
25 the adult sex offender and all schools and childcare  
26 facilities within three miles of the declared residence of the

1 adult sex offender that the adult sex offender will be  
2 establishing or has established his or her residence.

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

14 (c) Nothing in this act shall be construed as  
15 prohibiting the Director of the Department of Public Safety, a  
16 sheriff, or a chief of police from providing community  
17 notification under the provisions of this act by regular mail,  
18 electronically, or by publication or periodically to persons  
19 whose legal residence is within the guidelines of this act or  
20 more than the applicable distance from the residence of an  
21 adult sex offender.

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



1           (b) Each time an adult sex offender terminates his  
2 or her residence and establishes a new residence, he or she  
3 shall pay a registration fee in the amount of ten dollars  
4 (\$10) to each registering agency where the adult sex offender  
5 establishes a new residence.

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

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

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

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

3 Section 23. (a) A sex offender required to register  
4 under this act may petition the court for relief from the  
5 residency restriction pursuant to subsection (a) of Section 11  
6 during the time a sex offender is terminally ill or  
7 permanently immobile.

8 (b) A petition for relief pursuant to this section  
9 shall be filed in the circuit court of the county in which the  
10 sex offender seeks relief from the residency restriction.

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

13 (1) The prosecuting attorney in the county of  
14 adjudication or conviction, if the sex offender was  
15 adjudicated or convicted in this state.

16 (2) The prosecuting attorney of the county where the  
17 sex offender seeks relief from the residency restriction.

18 (3) Local law enforcement where the sex offender was  
19 adjudicated or convicted if the sex offender was adjudicated  
20 or convicted in this state.

21 (4) Local law enforcement where the adult sex  
22 offender seeks relief from the residency restriction.

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

25 (1) A certified copy of the adjudication or  
26 conviction requiring registration, including a detailed  
27 description of the sex offense.

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

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

7                   (4) Notarized documentation of the sex offender's  
8 condition by his or her medical provider.

9                   (5) A release allowing the prosecuting attorney or  
10 the court to obtain any other medical records or documentation  
11 relevant to the petition.

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

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

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

26                   (g) The court may issue an order releasing the sex  
27 offender from any of the residency restrictions pursuant to

1 subsection (a) of Section 11 if the court finds by clear and  
2 convincing evidence that the sex offender does not pose a  
3 substantial risk of perpetrating any future dangerous sexual  
4 offense or that the sex offender is not likely to reoffend.  
5 The court may relieve a sex offender from any residency  
6 restrictions indefinitely or for a specific period of time.

7 (h) The court shall send a copy of any order  
8 releasing a sex offender from any residency restrictions  
9 pursuant to subsection (a) of Section 11 to the prosecuting  
10 attorney and the Department of Public Safety.

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

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

21 (k) If at any time the sex offender is no longer  
22 terminally ill or permanently immobile, the sex offender shall  
23 immediately register in person with local law enforcement in  
24 each county of residence and update all required registration  
25 information.

26 (l) No sex offender petitioning the court under this  
27 section for an order terminating the sex offender's obligation

1 to comply with the residency restrictions is entitled to  
2 publicly funded experts or publicly funded witnesses.

3 (m) The state may petition the court to reinstate  
4 the restrictions pursuant to subsection (a) of Section 11 for  
5 good cause shown.

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

12 (o) If a sex offender seeks relief from the court  
13 pursuant to this section, the enforcement of this act shall  
14 not be stayed pending a ruling of the court.

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

18 Section 24. (a) At disposition, sentencing, upon  
19 completion of probation, or upon completion of a term of  
20 registration ordered by the sentencing court, a sex offender  
21 may petition the sentencing court for relief from registration  
22 and notification resulting from any of the following offenses,  
23 provided that he or she meets the requirements set forth in  
24 subsection (b):

25 (1) Rape in the second degree, as provided by  
26 subdivision (1) of subsection (a) of Section 13A-6-62, Code of  
27 Alabama 1975.

1           (2) Sodomy in the second degree, as provided by  
2 subdivision (1) of subsection (a) of Section 13A-6-64, Code of  
3 Alabama 1975.

4           (3) Sexual abuse in the second degree, as provided  
5 by subdivision (2) of subsection (a) of Section 13A-6-67, Code  
6 of Alabama 1975.

7           (4) Sexual misconduct, as provided by Section  
8 13A-6-65, Code of Alabama 1975.

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

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

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

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

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

22           (3) At the time of the commission of the sex  
23 offense, the sex offender was not more than four years older  
24 than the victim.

25           (c) The petition for relief shall be filed as  
26 follows:

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

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

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

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

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

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

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

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

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

1           (1) The offense that the sex offender was initially  
2 charged with and the offense that the sex offender was  
3 adjudicated or convicted of, if different.

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

8           (3) Proof of the age of the victim and the age of  
9 the sex offender at the time of the commission of the sex  
10 offense.

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

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

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

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

25           (g) The court shall hold a hearing prior to ruling  
26 on the petition. At the hearing, the prosecuting attorney and  
27 the victim shall have the opportunity to be heard.



1 (h) In determining whether to grant relief, the  
2 court may consider any of the following:

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

7 (2) Recommendations from the prosecuting attorney.

8 (3) Any written or oral testimony submitted by the  
9 victim or the parent, guardian, or custodian of the victim.

10 (4) The facts and circumstances surrounding the  
11 offense.

12 (5) The relationship of the parties.

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

14 (7) The protection of society.

15 (8) Any other information deemed relevant by the  
16 court.

17 (i) The court may grant full or partial relief from  
18 this act. If the court grants relief, the court shall enter an  
19 order detailing the relief granted and provide a copy of the  
20 order to the prosecuting attorney and the Department of Public  
21 Safety.

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

25 (k) A sex offender is not eligible for relief under  
26 this section if he or she was adjudicated or convicted of a  
27 sex offense previous to or subsequent to the offense of which

1 he or she is petitioning the court for relief or has any  
2 pending criminal charges for any sex offense.

3 (l) If a sex offender was adjudicated or convicted  
4 of any of the offenses specified in subsection (a) prior to  
5 July 1, 2011, and meets the eligibility requirements specified  
6 in subsection (b), except as otherwise provided for in  
7 subsection (k), the sex offender may petition the court for  
8 relief pursuant to this section.

9 (m) Notwithstanding any state or local law or rule  
10 assigning costs and fees for filing and processing civil and  
11 criminal cases, a petition filed 30 or more days after  
12 sentencing shall be assessed a filing fee in the amount of two  
13 hundred dollars (\$200) to be distributed as provided in  
14 Section 46.

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

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

21 Section 25. (a) A sex offender may petition the  
22 circuit court in the county where the sex offender seeks to  
23 accept or maintain employment for relief from the employment  
24 restrictions pursuant to subsection (b) of Section 13. A sex  
25 offender adjudicated or convicted of any of the following sex  
26 offenses shall not be entitled to relief under this section:

1 (1) Rape in the first degree, as provided by Section  
2 13A-6-61, Code of Alabama 1975.

3 (2) Sodomy in the first degree, as provided by  
4 Section 13A-6-63, Code of Alabama 1975.

5 (3) Sexual abuse in the first degree, as provided by  
6 Section 13A-6-66, Code of Alabama 1975.

7 (4) Sex abuse of a child less than 12 years old, as  
8 provided by Section 13A-6-69.1, Code of Alabama 1975.

9 (5) Sexual torture, as provided by Section  
10 13A-6-65.1, Code of Alabama 1975.

11 (6) Any sex offense involving a child.

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

14 (8) Any offense committed in any other jurisdiction  
15 which, if it had been committed in this state under the  
16 current provisions of law, would constitute an offense listed  
17 in subdivisions (1) to (7).

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

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

23 b. The prosecuting attorney of the county in which  
24 the sex offender seeks to accept or maintain employment.

25 c. Local law enforcement where the sex offender was  
26 adjudicated or convicted, if the sex offender was adjudicated  
27 or convicted in this state.

1           d. Local law enforcement where the sex offender  
2 seeks to accept or maintain employment.

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

6           (c) The petition and documentation to support the  
7 petition shall include all of the following:

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

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

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

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

21           (5) Justification as to why the court should grant  
22 relief.

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

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

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

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

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

8 (1) The nature of the offense.

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

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

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

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

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

23 (i) The state may petition the court to reinstate  
24 the restrictions pursuant to subsection (b) of Section 13 for  
25 good cause shown.

26 (j) Notwithstanding any state or local law or rule  
27 assigning costs and fees for filing and processing civil and

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

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

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

11 Section 26. (a) Upon adjudication of delinquency for  
12 a sex offense, a juvenile sex offender shall be required to  
13 receive sex offender treatment by a sex offender treatment  
14 program or provider approved by the Department of Youth  
15 Services.

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

1           (c) Upon receiving the risk assessment, the juvenile  
2 probation officer shall immediately notify the attorney for  
3 the juvenile sex offender and either the parent, guardian, or  
4 custodian of the juvenile sex offender of the pending release  
5 of the juvenile sex offender and provide them with a copy of  
6 the risk assessment.

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

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

18           Section 27. (a) In determining whether to apply  
19 notification requirements to a juvenile sex offender, the  
20 sentencing court shall consider any of the following factors  
21 relevant to the risk of re-offense:

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

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

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

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

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

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

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

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

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

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

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

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

25          (13) The protection of society.

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



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

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

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

1 delivered to all schools or childcare facilities as required  
2 by this subsection. No other method may be used to disseminate  
3 this information.

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

7 (c) The sentencing court shall enter an order  
8 stating whether the juvenile sex offender shall be subject to  
9 notification and the level of notification that shall be  
10 applied. The court shall provide a copy of the order to the  
11 prosecuting attorney and to the Department of Public Safety.

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

14 Section 28. (a) A juvenile adjudicated delinquent of  
15 any of the following sex offenses, who was 14 or older at the  
16 time of the offense, shall be subject to registration and  
17 notification, if applicable, for life:

18 (1) Rape in the first degree, as provided by Section  
19 13A-6-61, Code of Alabama 1975.

20 (2) Sodomy in the first degree, as provided by  
21 Section 13A-6-63, Code of Alabama 1975.

22 (3) Sexual abuse in the first degree, as provided by  
23 Section 13A-6-66, Code of Alabama 1975.

24 (4) Sexual torture, as provided by Section  
25 13A-6-65.1, Code of Alabama 1975.

26 (5) Any offense committed in any other jurisdiction  
27 which, if had been committed in this state under the current

1 provisions of law, would constitute an offense listed in  
2 subdivisions (1) to (4).

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

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

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

15 (c) A juvenile sex offender who has been adjudicated  
16 delinquent of any sex offense, excluding those listed in  
17 subsection (a) of this section, shall be subject to this act  
18 for a period of 10 years from the last date of release from  
19 the offense subjecting the juvenile sex offender to  
20 registration in accordance with this act.

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

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

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

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

13 Section 29. (a) Prior to the release of a juvenile  
14 sex offender, the following shall apply:

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

19 (2) If the juvenile sex offender or the parent,  
20 guardian, or custodian of the juvenile sex offender declares a  
21 residence outside of the state, the responsible agency shall  
22 immediately notify the Department of Public Safety and the  
23 designated state law enforcement agency of the state to which  
24 the juvenile sex offender or the parent, guardian, or  
25 custodian of the juvenile sex offender has declared the  
26 residence. The notification shall include all information  
27 available to the responsible agency that would be necessary to

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

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

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

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

23 Section 30. (a) Immediately upon release or  
24 immediately upon adjudication of delinquency if the juvenile  
25 sex offender is not committed, the juvenile sex offender and  
26 the parent, custodian, or guardian shall register all required  
27 registration information with local law enforcement in each

1 county in which the juvenile sex offender resides or intends  
2 to reside.

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

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

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

22 (e) A juvenile sex offender required to register for  
23 life pursuant to Section 28 shall appear in person with his or  
24 her parent, custodian, or guardian to verify all required  
25 registration information during the birth month of the  
26 juvenile sex offender and every three months thereafter with  
27 the local law enforcement in each county of residence unless

1 the juvenile sex offender has been relieved from registration  
2 requirements pursuant to Section 34.

3 (f) A juvenile sex offender required to register for  
4 10 years pursuant to Section 28 shall appear in person with  
5 his or her parent, custodian, or guardian to verify all  
6 required registration information during the birth month of  
7 the juvenile sex offender and every year thereafter with local  
8 law enforcement in each county of residence unless the  
9 juvenile sex offender has been relieved from registration  
10 requirements pursuant to Section 24.

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

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

24 (i) A person who violates this section shall be  
25 guilty of a Class C felony.

26 Section 31. (a) During the time a juvenile sex  
27 offender is subject to the registration requirements of this

1 act, the juvenile sex offender shall not apply for, accept, or  
2 maintain employment or vocation, or volunteer for any  
3 employment or vocation at any school, childcare facility, or  
4 any other business or organization that provides services  
5 primarily to children.

6 (b) It shall be unlawful for the owner or operator  
7 of any childcare facility or any other organization that  
8 provides services primarily to children to knowingly employ or  
9 accept volunteer services from a juvenile sex offender.

10 (c) Any person who violates this section shall be  
11 guilty of a Class C felony.

12 Section 32. (a) A juvenile sex offender or youthful  
13 offender sex offender, or equivalent thereto, who is not  
14 currently a resident of this state, shall immediately appear  
15 in person and register all required registration information  
16 upon establishing a residence, accepting employment, or  
17 beginning school attendance in this state with local law  
18 enforcement in each county where the juvenile sex offender or  
19 youthful offender sex offender resides or intends to reside,  
20 accepts employment, or begins school attendance.

21 (b) Within 30 days of initial registration, the  
22 juvenile sex offender or youthful offender sex offender shall  
23 provide each registering agency with a certified copy of his  
24 or her adjudication; however, a juvenile sex offender or  
25 youthful offender sex offender shall be exempt under this  
26 subsection if the court of adjudication seals the records and



1 refuses to provide a certified copy or the records have been  
2 destroyed by the court.

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

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

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

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

21 Section 33. Notwithstanding any other provision of  
22 law, the court records of juvenile sex offenders are to be  
23 retained, either in paper format or electronically, and not to  
24 be destroyed for a period of 75 years from the date of  
25 adjudication.

26 Section 34. (a) A juvenile sex offender subject to  
27 lifetime registration pursuant to Section 28 may file a

1 petition requesting the court to enter an order relieving the  
2 juvenile sex offender of the requirements pursuant to this act  
3 25 years after the juvenile sex offender is released from the  
4 custody of the Department of Youth Services or sentenced, if  
5 the juvenile sex offender was placed on probation, for the sex  
6 offense requiring registration pursuant to this act.

7 (b) The petition shall be filed as follows:

8 (1) If the juvenile sex offender was adjudicated  
9 delinquent of a sex offense in this state, the petition shall  
10 be filed in the juvenile court of the county in which the  
11 juvenile sex offender was adjudicated delinquent.

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

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

18 a. The prosecuting attorney in the county of  
19 adjudication, if the juvenile sex offender was adjudicated  
20 delinquent in this state.

21 b. The prosecuting attorney of the county in which  
22 the juvenile sex offender resides.

23 c. Local law enforcement where the juvenile sex  
24 offender was adjudicated delinquent, if the juvenile sex  
25 offender was adjudicated delinquent in this state.

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

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

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

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

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

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

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

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

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

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

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

4 (g) The court may consider any of the following  
5 factors to determine whether to grant relief:

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

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

14 (3) Recommendations from the prosecuting attorney.

15 (4) Any written or oral testimony submitted by the  
16 victim or the parent, custodian, or guardian of the victim.

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

22 (6) Any criminal behavior of the juvenile sex  
23 offender before and after the adjudication of delinquency that  
24 requires reporting.

25 (7) The stability of the juvenile sex offender in  
26 employment and housing and his or her community and personal  
27 support system.

1 (8) The protection of society.

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

3 (h) If the court is satisfied by clear and  
4 convincing evidence that the juvenile sex offender is  
5 rehabilitated and does not pose a threat to the safety of the  
6 public, the court may grant relief.

7 (i) The court shall provide a copy of any order  
8 granting relief to the prosecuting attorney and to the  
9 Department of Public Safety.

10 (j) Upon receipt of a copy of an order granting  
11 relief as provided in this section, the Department of Public  
12 Safety shall remove the juvenile sex offender from the public  
13 registry website. If the registering agencies maintain a local  
14 registry of sex offenders who are registered with their  
15 agencies, the registering agencies shall remove the  
16 registration information of the juvenile sex offender from the  
17 local sex offender public registry, if notification applied.

18 (k) If the court denies the petition for relief, the  
19 juvenile sex offender shall wait at least 12 months from the  
20 date of the order denying the petition before petitioning the  
21 court again.

22 (l) Notwithstanding any state or local law or rule  
23 assigning costs and fees for filing and processing civil and  
24 criminal cases, the fee for filing the petition for relief  
25 shall be two hundred dollars (\$200) to be distributed as  
26 provided in Section 46.

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

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

7 Section 35. For the purposes of this act, a youthful  
8 offender sex offender who has not been previously adjudicated  
9 or convicted of a sex offense and who has not yet attained the  
10 age of 18 shall be considered a juvenile sex offender. A  
11 youthful offender sex offender who has been previously  
12 adjudicated or convicted of a sex offense as a juvenile sex  
13 offender, youthful offender sex offender, or adult sex  
14 offender, or who has attained the age of 18 shall be treated  
15 as an adult sex offender convicted of a sex offense. A  
16 youthful offender sex offender who is treated as a juvenile  
17 sex offender for purposes of this act may not be released from  
18 the jurisdiction of the sentencing court until the youthful  
19 offender sex offender has undergone sex offender treatment and  
20 a risk assessment as required by Section 26.

21 Section 36. (a) No sex offender shall change his or  
22 her name unless the change is incident to a change in the  
23 marital status of the sex offender or is necessary to effect  
24 the exercise of the religion of the sex offender. Such a  
25 change shall be immediately reported to local law enforcement  
26 in each county in which the sex offender is required to  
27 register. If the sex offender is subject to the notification

1 provision of this act, the reporting of a name change under  
2 this section shall invoke notification.

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

5 Section 37. (a) When a county is notified that a sex  
6 offender intends to reside, be employed, or attend school in  
7 its county and the sex offender fails to appear for  
8 registration upon entering that county as required, the  
9 sheriff of the county that received the notice shall  
10 immediately inform the sheriff of the county that provided the  
11 notice that the sex offender failed to appear for registration  
12 as required.

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

18 (c) If no determination can be made as to whether  
19 the sex offender has absconded, the sheriff of the county in  
20 which the sex offender failed to appear for registration shall  
21 immediately notify the Department of Public Safety and the  
22 United States Marshals Service that the sex offender cannot be  
23 located and provide any information available to determine  
24 whether the sex offender absconded to the United States  
25 Marshals Service.

26 (d) Once a determination is made that the sex  
27 offender has absconded, the following shall occur:

1           (1) The sheriff of the county in which the sex  
2 offender has absconded shall immediately obtain a warrant for  
3 the arrest of the sex offender.

4           (2) The sheriff of the county in which the sex  
5 offender has absconded shall immediately notify the United  
6 States Marshals Service and the Department of Public Safety.

7           (3) The Department of Public Safety shall  
8 immediately update its public registry website to reflect that  
9 the sex offender has absconded.

10          (4) The Department of Public Safety shall  
11 immediately notify the Criminal Justice Information Center,  
12 who shall immediately notify the National Criminal Information  
13 Center.

14          (5) The Department of Public Safety shall  
15 immediately notify the National Sex Offender Registry to  
16 reflect that the sex offender has absconded and enter the  
17 information into the National Crime Center Wanted Person File.

18          Section 38. (a) If a sex offender escapes from a  
19 state or local correctional facility, juvenile detention  
20 facility, or any other facility that would not permit  
21 unsupervised access to the public, the responsible agency,  
22 within 24 hours, shall notify the Department of Public Safety,  
23 local law enforcement who had jurisdiction at the time of  
24 adjudication or conviction of the sex offense, the sheriff of  
25 the county and each chief of police of every municipality in  
26 the county where the sex offender escaped, and the United  
27 States Marshals Service.



1 (b) The responsible agency shall provide each law  
2 enforcement agency listed in subsection (a) with the following  
3 information:

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

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

7 (3) The nature of the crime for which the sex  
8 offender was incarcerated.

9 (4) A copy of the fingerprints and current  
10 photograph of the sex offender and a summary of the criminal  
11 record of the sex offender.

12 Section 39. (a) A person is guilty of the crime of  
13 harboring, assisting, concealing, or withholding information  
14 about a sex offender if the person has knowledge or reason to  
15 believe that a sex offender is required to register and has  
16 not complied with the registration requirements of this act  
17 and the person assists the sex offender in avoiding a law  
18 enforcement agency that is seeking to find the sex offender to  
19 question the sex offender about, or to arrest the sex offender  
20 for, noncompliance with the requirements of this act if the  
21 person does any of the following:

22 (1) Harbors, attempts to harbor, or assists another  
23 person in harboring or attempting to harbor the sex offender.

24 (2) Allows a sex offender to reside at his or her  
25 residence to avoid registration if the address is not the  
26 address the sex offender listed as his or her residence  
27 address.

1           (3) Warns a sex offender that a law enforcement  
2 agency is attempting to locate the sex offender.

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

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

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

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

14           (c) Harboring, assisting, or concealing a sex  
15 offender is a Class C felony.

16           Section 40. (a) It is the intent of the Legislature  
17 that a duplicate of a certified copy of a public record be  
18 admissible and is not dependent on the original custodian of  
19 record to gain admissibility. Further, the Legislature finds  
20 that the certification by the clerk of the court and the  
21 certification by the Department of Public Safety assures  
22 reliability and trustworthiness.

23           (b) The clerk of the court shall forward a certified  
24 copy of a sex offender's adjudication or conviction to the  
25 Department of Public Safety within 30 days of sentencing of  
26 any of the offenses listed in Section 5.

1           (c) Any state, county, or municipal law enforcement  
2 agency, the Attorney General, or a district attorney may  
3 request a duplicate of the sex offender's adjudication or  
4 conviction from the Department of Public Safety.

5           (d) Upon the request of any of the agencies listed  
6 in subsection (c), the custodian of records, or its designee,  
7 of the Department of Public Safety shall immediately certify  
8 all of the following:

9           (1) That the Department of Public Safety received  
10 the certified copy of the sex offender's conviction or  
11 adjudication from the clerk of the court pursuant to  
12 subsection (b).

13           (2) That the original certified copy received from  
14 the clerk of the court remains in the possession of the  
15 Department of Public Safety.

16           (3) That no changes or alterations have been made to  
17 the original certified copy.

18           (e) Upon certification by the Department of Public  
19 Safety as provided in subsection (d), the Department of Public  
20 Safety shall immediately forward the certified documents to  
21 the requesting agency.

22           (f) Notwithstanding any other law or rule of  
23 evidence, a certified copy of the record of adjudication or  
24 conviction as defined in subsection (b), provided by the  
25 Department of Public Safety as provided in subsection (d),  
26 shall be proof of the sex offender's adjudication or

1 conviction of a sex offense and shall be admissible into  
2 evidence, without further proof, in any court in this state.

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

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

10 Section 41. (a) After a sex offender's conviction or  
11 adjudication, and upon request of the Attorney General's  
12 Office, the office of the prosecuting attorney or the clerk of  
13 the court shall immediately forward the victim's name and most  
14 current address, if available, to the Attorney General's  
15 Office of Victim Assistance.

16 (b) When providing notice of a parole hearing, the  
17 Board of Pardons and Paroles shall provide the Attorney  
18 General's Office of Victim Assistance with any victim  
19 information on victims whose offenders are subject to this  
20 act.

21 (c) Upon request of the victim, the Attorney  
22 General's Office of Victim Assistance shall send a notice to  
23 the victim notifying the victim of the pending release of the  
24 sex offender and the location at which the sex offender  
25 intends to reside. This request by the victim shall be made  
26 electronically or in writing to the Attorney General's Office  
27 of Victim Assistance.

1 (d) It shall be the responsibility of the victim to  
2 inform the Attorney General's Office of Victim Assistance of  
3 any change to the victim's address or any other pertinent  
4 information. If the notice sent by the Attorney General's  
5 Office of Victim Assistance is returned as undeliverable, no  
6 further action shall be required of the Attorney General's  
7 Office of Victim Assistance.

8 Section 42. (a) Any jurisdiction or agency  
9 responsible for registering a sex offender shall immediately  
10 forward all required registration information and any changes  
11 to the required registration information received to the  
12 Department of Public Safety in a manner determined by the  
13 director of the department and promulgated in rule by the  
14 director upon recommendation of an advisory board consisting  
15 of representatives of the office of the Attorney General,  
16 District Attorneys Association, Chiefs of Police Association,  
17 Sheriffs Association, and the Department of Public Safety. The  
18 advisory board members shall not receive any compensation or  
19 reimbursement for serving on the advisory board.

20 (b) Upon notification or discovery of the death of a  
21 sex offender, the registering agency shall immediately notify  
22 the Department of Public Safety.

23 (c) The Department of Public Safety shall  
24 immediately enter all registration information received into  
25 its sex offender database.

1 (d) All information received by the Department of  
2 Public Safety shall be immediately forwarded to the following  
3 by the Department of Public Safety:

4 (1) The Alabama Criminal Justice Information Center,  
5 who will in turn provide any information received to the  
6 National Criminal Information Center or any other law  
7 enforcement agency for any lawful criminal justice purpose.

8 (2) The Sex Offender Registration and Notification  
9 Act Exchange Portal.

10 (3) The National Sex Offender Registry.

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

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

15 (6) The campus police in each county or jurisdiction  
16 where the sex offender is a student.

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

20 (8) The Attorney General's Office of Victim  
21 Assistance.

22 (e) Upon request, all registration information shall  
23 be available to all federal, state, county, and municipal law  
24 enforcement agencies, prosecuting attorneys, probation  
25 officers, and any National Child Protection Act agencies in  
26 electronic form.

1 (f) No existing state laws, including, but not  
2 limited to, statutes that would otherwise make juvenile and  
3 youthful offender records confidential, shall preclude the  
4 disclosure of any information requested by a responsible  
5 agency, a law enforcement officer, a criminal justice agency,  
6 the Office of the Attorney General, or a prosecuting attorney  
7 for purposes of administering, implementing, or enforcing this  
8 act.

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

16 Section 43. Except as provided in Sections 23, 24,  
17 25, and 34, the sex offender registration and notification  
18 requirements required by this act are mandatory and shall not  
19 be altered, amended, waived, or suspended by any court. Any  
20 order altering, amending, waiving, or suspending sex offender  
21 registration and notification requirements, except as provided  
22 in Sections 23, 24, 25, and 34, shall be null, void, and of no  
23 effect.

24 Section 44. (a) The Director of the Department of  
25 Public Safety shall promulgate rules establishing an  
26 administrative hearing for persons who are only made subject  
27 to this act pursuant to subdivision (33) of Section 5.

1 (b) The Director of the Department of Public Safety  
2 shall promulgate rules setting forth a listing of offenses  
3 from other jurisdictions that are to be considered criminal  
4 sex offenses under subdivision (33) of Section 5. Thereafter,  
5 any individual convicted of any offense set forth in the  
6 listing shall immediately be subject to this article and shall  
7 not be entitled to an administrative hearing as provided in  
8 subsection (a).

9 (c) The Director of the Department of Public Safety  
10 shall have the authority to promulgate any rules as are  
11 necessary to implement and enforce this act.

12 Section 45. (a) A sex offender who is convicted of  
13 any offense specified in this act, in addition to any  
14 imprisonment or fine, or both, imposed for the commission of  
15 the underlying offense, shall be punished by a fine of two  
16 hundred fifty dollars (\$250).

17 (b) The fines collected in subsection (a) shall be  
18 distributed as follows:

19 (1) Fifty dollars (\$50) to the Highway Traffic  
20 Safety Fund in the Department of Public Safety.

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

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

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



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

3           (6) Fifty dollars (\$50) to the local law enforcement  
4 agency providing notification.

5           (c) Fines ordered pursuant to this section shall not  
6 be waived, suspended, or remitted.

7           Section 46. The two hundred dollar (\$200) filing fee  
8 paid by a sex offender who petitions the court for relief  
9 pursuant to Sections 23, 24, 25, or 34 shall be distributed as  
10 follows:

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

13           (2) Fifty dollars (\$50) to the law enforcement  
14 agency providing community notification.

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

17           (4) Fifty dollars (\$50) to Child Advocacy Centers.

18           (d) The filing fee shall not be suspended, waived,  
19 or remitted.

20           Section 47. Nothing in this act shall be construed  
21 as creating a cause of action against the state or any of its  
22 agencies, officials, employees, or political subdivisions  
23 based on the performance of any duty imposed by this act or  
24 the failure to perform any duty imposed by this act.

25           Section 48. (a) For the purposes of Sections  
26 13A-5-2, 13A-5-6, 14-9-41, 15-18-8, 15-22-27.3, or any other  
27 section of the Code of Alabama 1975, a criminal sex offense

1 involving a child shall mean a conviction for any sex offense  
2 in which the victim was a child under the age of 12 or any  
3 offense involving child pornography.

4 (b) For the purpose of Section 12-15-107(a)(7), Code  
5 of Alabama 1975, a juvenile probation officer shall notify the  
6 state and either the parent, legal guardian, or legal  
7 custodian of a juvenile sex offender, or the child's attorney  
8 for the juvenile sex offender, of the pending release of the  
9 sex offender and provide them with a copy of the risk  
10 assessment pursuant to Section 26(c).

11 (c) For the purpose of Section 12-15-116(a)(5), Code  
12 of Alabama 1975, a juvenile court shall have exclusive  
13 original jurisdiction to try any individual who is 18 years of  
14 age or older and violates any of the juvenile criminal sex  
15 offender provisions of Section 27(b)(1).

16 (d) For the purpose of Section 13A-5-6(c), Code of  
17 Alabama 1975, an offender is designated a sexually violent  
18 predator pursuant to Section 19.

19 (e) For the purpose of Sections 36-18-24(b)(6) and  
20 36-18-25(c)(1), Code of Alabama 1975, sexual offenses shall  
21 include, but not be limited to, those offenses pursuant to  
22 Section 5.

23 (f) For the purpose of Section 32-6-49.24, Code of  
24 Alabama 1975, a person who is registered as a sex offender or  
25 convicted of a crime that requires registration as a sex  
26 offender is a person who is required to register as a sex  
27 offender pursuant to this act. A crime or offense that

1 requires registration as a sex offender shall include, but not  
2 be limited to, those offenses pursuant to Section 5.

3 (q) For the purpose of Sections 38-13-2 and 38-13-4,  
4 Code of Alabama 1975, a sex crime shall also include any  
5 offense listed in this act pursuant to Section 5.

6 Section 49. Sections 13A-11-200, 13A-11-201, and  
7 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code  
8 of Alabama 1975, are repealed.

9 Section 50. The provisions of this act are  
10 severable. If any part of this act is declared invalid or  
11 unconstitutional, that declaration shall not affect the part  
12 which remains.

13 Section 51. Although this bill would have as its  
14 purpose or effect the requirement of a new or increased  
15 expenditure of local funds, the bill is excluded from further  
16 requirements and application under Amendment 621, now  
17 appearing as Section 111.05 of the Official Recompilation of  
18 the Constitution of Alabama of 1901, as amended, because the  
19 bill defines a new crime or amends the definition of an  
20 existing crime.

21 Section 52. This act shall become effective on July  
22 1, 2011, following its passage and approval by the Governor,  
23 or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Judiciary ..... 29-MAR-11

Read for the second time and placed on the calendar with 1 substitute and 1 amendment..... 14-APR-11

Read for the third time and passed as amended..... 24-MAY-11

Yeas 96, Nays 0, Abstains 0

Greg Pappas  
Clerk