

1 SB26
2 189007-2
3 By Senator Chambliss
4 RFD: Education and Youth Affairs
5 First Read: 09-JAN-18
6 PFD: 12/05/2017

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to juvenile sex offenders; to create
12 Annalyn's Law; to amend Sections 15-20A-27, as last amended by
13 Act 2017-414, 2017 Regular Session, and 15-20A-30, Code of
14 Alabama 1975; to require local law enforcement to notify the
15 local superintendent of education and the local board of
16 education when a low-risk juvenile sex offender is planning to
17 establish or has established a fixed residence within the
18 jurisdiction of the board; to require juvenile sex offenders
19 to notify local law enforcement of any change in school
20 attendance; to further provide that failure to comply, unless
21 otherwise provided, constitutes a Class C felony; to require
22 the State Board of Education to develop, and each local board
23 of education to adopt, a comprehensive model policy for the
24 supervision and monitoring of low risk juvenile sex offender
25 students attending school with the general student population;
26 to require alternative educational placement for any juvenile
27 sex offender who is a moderate or high risk for re-offense;

1 and in connection therewith would have as its purpose or
2 effect the requirement of a new or increased expenditure of
3 local funds within the meaning of Amendment 621 of the
4 Constitution of Alabama of 1901, now appearing as Section
5 111.05 of the Official Recompilation of the Constitution of
6 Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act shall be known and may be cited
9 as Annalyn's Law.

10 Section 2. Sections 15-20A-27, as last amended by
11 Act 2017-414, 2017 Regular Session, and 15-20A-30 of the Code
12 of Alabama 1975 are amended to read as follows:

13 "§15-20A-27.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 "(13) The protection of society.

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

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

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

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

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

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

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

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

17 "(e) Except as otherwise provided by law, any
18 violation of this section is a Class C felony.

19 "§15-20A-30.

20 "(a) Immediately upon release or immediately upon
21 adjudication of delinquency if the juvenile sex offender is
22 not committed, the juvenile sex offender and the parent,
23 custodian, or guardian shall register all required
24 registration information with local law enforcement in each
25 county in which the juvenile sex offender resides or intends
26 to reside.

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

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

14 "(d) Whenever a juvenile sex offender changes any
15 required registration information including, but not limited
16 to, his or her school attendance status, the juvenile sex
17 offender and the parent, custodian, or guardian of the
18 juvenile sex offender shall immediately appear in person to
19 update the required registration information with local law
20 enforcement in each county in which the juvenile sex offender
21 resides.

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

1 unless the juvenile sex offender has been relieved from
2 registration requirements pursuant to Section 15-20A-34.

3 "(f) A juvenile sex offender required to register
4 for 10 years pursuant to Section 15-20A-28 shall appear in
5 person with his or her parent, custodian, or guardian to
6 verify all required registration information during the birth
7 month of the juvenile sex offender and every year thereafter
8 with local law enforcement in each county of residence unless
9 the juvenile sex offender has been relieved from registration
10 requirements pursuant to Section 15-20A-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 knowingly violates this section
25 shall be guilty of a Class C felony."

26 Section 3. (a) (1) On or before January 1, 2019, the
27 State Board of Education shall develop a comprehensive model

1 policy for the supervision and monitoring of juvenile sex
2 offender students, who have a low risk of re-offense and are
3 enrolled, attending class, and participating in school
4 activities with the general population of students. The
5 purpose of the model policy is to provide a safe and secure
6 environment for all students and staff. The model policy shall
7 be adopted by each local board of education and implemented
8 beginning with the 2020-2021 school year. The model policy, at
9 a minimum, shall contain all of the following components:

10 a. Application to all school property and
11 school-sponsored functions including, but not limited to,
12 classroom instructional time, assemblies, athletic events,
13 extracurricular activities, and school bus transportation.

14 b. An initial meeting of all parties immediately
15 upon the enrollment of the low risk juvenile sex offender, and
16 frequent meetings thereafter as necessary to provide for the
17 continual monitoring of the student and a safe school
18 environment for all. The principal and all appropriate school
19 personnel who have received confidential notification pursuant
20 to subdivision (1) of subsection (b) of Section 15-20A-27,
21 Code of Alabama 1975, in consultation with juvenile probation
22 professionals, shall meet with the student, and the parent or
23 guardian of the student, to create and implement an
24 individualized student safety plan. The principal shall
25 determine other appropriate school personnel to be included in
26 the meetings to assist in defining school expectations.
27 Student safety plans shall outline the responsibilities of all

1 parties in safely managing the behavior of the student and
2 protecting all students. The plan shall be consistent with
3 existing disciplinary policies and procedures, student conduct
4 policies, and mandatory reporting policies. Student safety
5 plans shall include, but not be limited to, all of the
6 following:

7 1. An outline of conditions or limitations, or both,
8 on the low risk juvenile sex offender concerning his or her
9 interactions on school property and when participating in
10 school activities.

11 2. An effective procedure, developed in conjunction
12 with school staff in consultation with the parent or guardian
13 of the student, for communicating concerns relating to the
14 student.

15 3. Guidelines for expected intervention actions for
16 high-risk behaviors and for reinforcing positive behaviors
17 based on the needs of the student and the safety of all
18 students and staff.

19 4. Procedures for the continual review of each plan
20 by staff designated by the principal and for monitoring and
21 changing the plan on an as-needed basis by school staff.

22 5. Safeguards for protecting confidential
23 information.

24 c. Continuity of information and monitoring of
25 low-risk juvenile sex offender students over time as the
26 students change schools and as administrators and school
27 personnel change.

1 d. Comprehensive training for school personnel on
2 recognizing behavior that may be indicative of improper sexual
3 activity and taking appropriate action upon noticing an
4 increase or escalation of those behaviors in a low risk
5 juvenile sex offender student, both for the short and
6 long-term safety of that student and all other students.

7 e. Detailed procedures for reporting behavior that
8 may be indicative of improper sexual activity to the
9 principal, or his or her designee, and to appropriate law
10 enforcement or other involved agencies upon a determination
11 that the low risk juvenile sex offender student has not
12 complied with the student safety plan. School personnel shall
13 report violations of plan expectations to the principal when
14 they occur.

15 (2) When a low risk juvenile sex offender student
16 changes schools, the principal shall notify local law
17 enforcement and local law enforcement shall notify the
18 principal of the new school and, where applicable, the local
19 superintendent of education and local board of education
20 pursuant to subsection (b) of Section 15-20A-27, Code of
21 Alabama 1975. The principal of the prior school shall ensure
22 that all records and safety plans pertaining to the low risk
23 juvenile sex offender student follow the student to his or her
24 new school. If the sex offender status or probation or parole
25 status of the student changes, the principal shall notify the
26 appropriate school staff as part of the safety planning of the
27 school. The principal and school staff shall maintain

1 confidentiality regarding these students as required by law.
2 Any information received by a principal, school personnel,
3 local superintendent of education, or local board of education
4 member as a result of a notification is confidential and may
5 not be further disseminated except as provided in Section
6 15-20A-27, Code of Alabama 1975, and other state law and the
7 Family and Educational and Privacy Rights Act of 1994, 20 U.S.
8 Code Section 1232g et. seq. Any school district employee who
9 releases information in compliance with state and federal law
10 is immune from civil liability in accordance with Section
11 36-1-12, Code of Alabama 1975.

12 (b) (1) The Legislature finds that a juvenile sex
13 offender who is classified as having either a moderate or high
14 risk of re-offense poses a potential threat to the safety of
15 other students and teachers that is detrimental to the
16 educational process and not in the best interests of the other
17 students.

18 (2) A juvenile sex offender who is classified as
19 having either a moderate or high risk of re-offense may not
20 attend school with the general population of students. The
21 applicable local board of education, in consultation with
22 local law enforcement, shall assist the parent or guardian of
23 the moderate or high risk juvenile sex offender student in
24 determining the appropriate alternative educational placement
25 of the student. An appropriate alternative educational
26 placement may include, and may not be limited to, an

1 alternative education program, home school, or virtual school
2 pursuant to Chapter 46A of Title 16, Code of Alabama 1975.

3 (3) Any alternative placement of a student with a
4 disability who receives special education services shall be
5 made in compliance with the Individuals with Disabilities
6 Education Act, 20 U.S.C. Section 1400 et seq.

7 (c) A student who is enrolled in and attending
8 school through an alternative educational placement under this
9 section shall be included in enrollment and attendance counts
10 of students of the local school system in which the student
11 resides as otherwise provided by law for that alternative
12 educational placement and data shall be reported to the local
13 school system of residence in a timely manner as otherwise
14 provided by law. The State Board of Education, by rule, may
15 provide for payment by the parent or guardian of a juvenile
16 sex offender who is classified as having either a moderate or
17 high risk of re-offense, of any costs associated with
18 alternative placement, as appropriate.

19 Section 4. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Education and Youth Affairs 09-JAN-18

Read for the second time and placed on the calen-
dar 1 amendment..... 01-FEB-18

Read for the third time and passed as amended 15-FEB-18

Yeas 28
Nays 0

Patrick Harris,
Secretary.