

1 SB442  
2 156556-2  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 05-MAR-14

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8 SYNOPSIS: This bill would make technical revisions to  
9 the Alabama Sex Offender Registration and Community  
10 Notification Act and would update internal  
11 citations in various sections of the Code of  
12 Alabama 1975 to reflect the appropriate section  
13 under current law.

14 This bill would clarify that a petition for  
15 relief from registration, employment, or living  
16 restrictions must be filed in the civil division of  
17 the circuit court.

18 The bill would provide a penalty for a sex  
19 offender who absconds and fails to register in the  
20 county where the sex offender declared intent to  
21 reside.

22 This bill would require a sex offender to  
23 provide to law enforcement a list of all Internet  
24 providers used by the sex offender.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 Relating to sex offender registration, to amend  
24 Sections 12-15-107, 12-15-116, 13A-5-2, 13A-5-6, 14-9-41,  
25 15-18-8, 15-19-7, 15-20A-4, 15-20A-5, 15-20A-6, 15-20A-7,  
26 15-20A-9, 15-20A-11, 15-20A-14, 15-20A-16, 15-20A-18,  
27 15-20A-21, 15-20A-22, 15-20A-23, 15-20A-24, 15-20A-25,

1 15-20A-26, 15-20A-28, 15-20A-29, 15-20A-32, 15-20A-34,  
2 15-20A-35, 15-20A-37, 15-20A-39, 15-20A-40, 15-20A-43,  
3 15-20A-45, 15-20A-46, 15-22-27.3, 32-6-49.24, 36-18-24,  
4 36-18-25, 38-13-2, and 38-13-4, Code of Alabama 1975, to make  
5 technical revisions to the Alabama Sex Offender Registration  
6 and Community Notification Act; to update internal citations  
7 to reflect the appropriate section of the current registration  
8 and community notification law; to clarify that petitions for  
9 relief from registration, employment, or living restrictions  
10 must be filed in the civil division of the circuit court; to  
11 provide a penalty for a sex offender who absconds and fails to  
12 register with the county where he or she declared intent to  
13 reside; and to require a sex offender to provide law  
14 enforcement with a list of all Internet providers used by the  
15 sex offender; and in connection therewith to have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds within the meaning of Amendment 621  
18 of the Constitution of Alabama of 1901, now appearing as  
19 Section 111.05 of the Official Recompilation of the  
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 12-15-107, 12-15-116, 13A-5-2,  
23 13A-5-6, 14-9-41, 15-18-8, 15-19-7, 15-20A-4, 15-20A-5,  
24 15-20A-6, 15-20A-7, 15-20A-9, 15-20A-11, 15-20A-14, 15-20A-16,  
25 15-20A-18, 15-20A-21, 15-20A-22, 15-20A-23, 15-20A-24,  
26 15-20A-25, 15-20A-26, 15-20A-28, 15-20A-29, 15-20A-32,  
27 15-20A-34, 15-20A-35, 15-20A-37, 15-20A-39, 15-20A-40,

1 15-20A-43, 15-20A-45, 15-20A-46, 15-22-27.3, 32-6-49.24,  
2 36-18-24, 36-18-25, 38-13-2, and 38-13-4, Code of Alabama  
3 1975, are amended to read as follows:

4 "§12-15-107.

5 "(a) For the purpose of carrying out the objectives  
6 and purposes of this chapter and subject to the limitations of  
7 this chapter or imposed by the juvenile court, a juvenile  
8 probation officer shall perform the following duties:

9 "(1) Make investigations, reports, and  
10 recommendations to the juvenile court.

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

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

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

20 "(5) Make predisposition studies and submit reports  
21 and recommendations to the juvenile court as required by this  
22 chapter.

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

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

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

9           "(b) For the purposes of this chapter, a juvenile  
10 probation officer with the approval of the juvenile court,  
11 shall have the power to take into custody and place in shelter  
12 or detention, subject to Section 12-15-208, a child who is on  
13 probation or aftercare under his or her supervision when the  
14 juvenile probation officer has reasonable cause to believe  
15 that the child has violated the conditions of his or her  
16 probation or aftercare, or that he or she may flee from the  
17 jurisdiction of the juvenile court. A juvenile probation  
18 officer does not have the powers of a law enforcement officer.

19           "§12-15-116.

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

23           "(1) Contributing to the delinquency, in need of  
24 supervision, or dependency of a child in violation of Section  
25 12-15-111.

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

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

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

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

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

11           "(b) All criminal cases before the juvenile court  
12 shall be governed by the laws relating thereto and shall be  
13 initiated by complaint made before a judge or magistrate  
14 according to criminal procedure.

15           "§13A-5-2.

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

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

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

24           "(1) Imprisonment for a term authorized by Section  
25 13A-5-7; or

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

27           "(3) Both such imprisonment and fine.

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

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

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

16           "§13A-5-6.

17           "(a) Sentences for felonies shall be for a definite  
18 term of imprisonment, which imprisonment includes hard labor,  
19 within the following limitations:

20           "(1) For a Class A felony, for life or not more than  
21 99 years or less than 10 years.

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

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

26           "(4) For a Class A felony in which a firearm or  
27 deadly weapon was used or attempted to be used in the



1 commission of the felony, or a Class A felony ~~criminal~~ sex  
2 offense involving a child as defined in Section ~~15-20-21(5)~~  
3 15-20A-4(26), not less than 20 years.

4 "(5) For a Class B or C felony in which a firearm or  
5 deadly weapon was used or attempted to be used in the  
6 commission of the felony, or a Class B felony ~~criminal~~ sex  
7 offense involving a child as defined in Section ~~15-20-21(5)~~  
8 15-20A-4(26), not less than 10 years.

9 "(b) The actual time of release within the  
10 limitations established by subsection (a) of this section  
11 shall be determined under procedures established elsewhere by  
12 law.

13 "(c) In addition to any penalties heretofore or  
14 hereafter provided by law, in all cases where an offender is  
15 designated as a sexually violent predator pursuant to Section  
16 ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a  
17 Class A felony ~~criminal~~ sex offense involving a child as  
18 defined in Section ~~15-20-21(5)~~ 15-20A-4(26), and is sentenced  
19 to a county jail or the Alabama Department of Corrections, the  
20 sentencing judge shall impose an additional penalty of not  
21 less than 10 years of post-release supervision to be served  
22 upon the defendant's release from incarceration.

23 "(d) In addition to any penalties heretofore or  
24 hereafter provided by law, in all cases where an offender is  
25 convicted of a sex offense pursuant to Section 13A-6-61,  
26 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of  
27 age or older and the victim was six years of age or less at

1 the time the offense was committed, the defendant shall be  
2 sentenced to life imprisonment without the possibility of  
3 parole.

4 "§14-9-41.

5 "(a) Each prisoner who shall hereafter be convicted  
6 of any offense against the laws of the State of Alabama and is  
7 confined, in execution of the judgment or sentence upon any  
8 conviction, in the penitentiary or at hard labor for the  
9 county or in any municipal jail for a definite or  
10 indeterminate term, other than for life, whose record of  
11 conduct shows that he has faithfully observed the rules for a  
12 period of time to be specified by this article may be entitled  
13 to earn a deduction from the term of his sentence as follows:

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

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

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

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

22 "(b) Within 90 days after May 19, 1980, the  
23 Commissioner of the Department of Corrections shall establish  
24 and publish in appropriate directives certain criteria not in  
25 conflict with this article for Class I, II, III, and IV  
26 prisoner classifications. Such classifications shall encompass

1 consideration of the prisoner's behavior, discipline, and work  
2 practices and job responsibilities.

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

9 "(2) Class II is that category of prisoners whose  
10 jobs will be under the supervision of a correctional employee  
11 at all times. Any inmate shall remain in this classification  
12 for a minimum period of six months before being eligible for  
13 Class I.

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

19 "(4) Class IV is for prisoners not yet classified  
20 and for those who are able to work and refuse, or who commit  
21 disciplinary infractions of such a nature which do not warrant  
22 a higher classification, or inmates who do not abide by the  
23 rules of the institution. Inmates who are classified in this  
24 earning class receive no correctional incentive time. This  
25 class is generally referred to as "flat time" or  
26 "day-for-day." Any inmate shall remain in this classification

1 for a minimum period of 30 days before being eligible for  
2 Class III.

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

6 "(d) As a prisoner gains a higher classification  
7 status he shall not be granted retroactive incentive credit  
8 based on the higher classification he has reached, but shall  
9 be granted incentive credit based solely on the classification  
10 in which he was serving at the time the incentive credit was  
11 earned. Nothing in this article shall be interpreted as  
12 authorizing an inmate incentive credits based on the highest  
13 classification he attains for any period of time in which he  
14 was serving in a lower classification or from the date of his  
15 sentence.

16 "(e) Provided, however, no person may receive the  
17 benefits of correctional incentive time if he or she has been  
18 convicted of a Class A felony or has been sentenced to life,  
19 or death, or who has received a sentence for more than 15  
20 years in the state penitentiary or in the county jail at hard  
21 labor or in any municipal jail. No person may receive the  
22 benefits of correctional incentive time if he or she has been  
23 convicted of a ~~criminal~~ sex offense involving a child as  
24 defined in Section ~~15-20-21(5)~~ 15-20A-4(26). No person may be  
25 placed in Class I if he or she has been convicted of an  
26 assault where the victims of such assault suffered the  
27 permanent loss or use or permanent partial loss or use of any

1       bodily organ or appendage. No person may be placed in Class I  
2       if he or she has been convicted of a crime involving the  
3       perpetration of sexual abuse upon the person of a child under  
4       the age of 17 years.

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

9               "(f) (1) If during the term of imprisonment a  
10       prisoner commits an offense or violates a rule of the  
11       Department of Corrections, all or any part of his correctional  
12       incentive time accrued pursuant to this section shall be  
13       forfeited.

14              "(2) The Commissioner of the Department of  
15       Corrections shall have the power to restore to any prisoner  
16       who has heretofore, or who may hereafter, forfeit the  
17       deductions allowed him or her for good behavior, work habits  
18       and cooperation, or good conduct, by violating any existing  
19       law or prison rule or regulation such portion of his deduction  
20       for good conduct or good behavior as may be proper in his  
21       judgment, upon recommendation and evidence submitted to him by  
22       the warden in charge.

23              "(g) (1) When a prisoner is serving two or more terms  
24       of imprisonment and the sentences run consecutively, then all  
25       such sentences shall be combined for the purpose of computing  
26       deductions for correctional incentive time and release date;  
27       however, the actual deduction from sentence for correctional

1 incentive time provided by this section shall apply only to  
2 sentences to be served.

3 "(2) When a prisoner is serving two or more  
4 sentences which run concurrently, the sentence which results  
5 in the longer period of incarceration yet remaining shall be  
6 considered the term to which such prisoner is sentenced for  
7 the purpose of computing his release date and correctional  
8 incentive time under the provisions of this article. When  
9 computing the deductions allowed in this section on  
10 indeterminate sentences the maximum sentence shall be the  
11 basis for the computation. The provisions of this section  
12 shall be administered by the chief administrative officer of  
13 the penal institution as it applies to prisoners in any state  
14 penal institution, by the sheriff of the county as it applies  
15 to prisoners in any county jail and by the chief of police as  
16 it applies to prisoners in any municipal jail.

17 "(h) Deductions for good behavior, work habits and  
18 cooperation, or good conduct shall be interpreted to give  
19 authorized good time retroactively, to those offenders  
20 convicted of crimes committed after May 19, 1980, except those  
21 convicted of crimes of the unlawful sale or distribution of  
22 controlled substances as enumerated in Title 13A and in former  
23 Chapter 2 of Title 20, and for any sexual offenses as  
24 enumerated in Chapter 6, Title 13A, provided however that the  
25 Commissioner of the Department of Corrections shall have the  
26 prison records of all inmates, who become eligible under this

1 article, reviewed and shall disqualify any such inmate from  
2 being awarded good time under this article at his discretion.

3 "§15-18-8.

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

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

1 Incentive Time Act, and that the remainder of the sentence be  
2 suspended notwithstanding any provision of the law to the  
3 contrary and that the defendant be placed on probation for the  
4 period upon the terms as the court deems best.

5 "(2) That the convicted defendant may be confined,  
6 upon consultation with the Commissioner of the Alabama  
7 Department of Corrections (hereinafter called department) in a  
8 disciplinary, rehabilitation, conservation camp program  
9 (hereinafter called program) of the department. The convicted  
10 defendant shall be received into the department in accordance  
11 with applicable department rules and regulations and may be  
12 placed in the program after completion of this initial  
13 reception. The program shall be not less than 90 days nor more  
14 than 180 days in duration and shall be operated in accordance  
15 with department rules and regulations and as otherwise  
16 provided for by law. The commissioner of the department or his  
17 or her designee shall report to the sentencing court of each  
18 convicted defendant whether or not the convicted defendant  
19 completes or does not complete the program with any additional  
20 information that the commissioner or his or her designee shall  
21 wish to provide the court. Upon receipt of this report, the  
22 sentencing court may, upon its own order, suspend the  
23 remainder of the sentence and place the convicted defendant on  
24 probation as provided herein or order the convicted defendant  
25 to be confined to a prison, jail-type institution, or  
26 treatment institution for a period not to exceed three years  
27 and that the execution of the remainder of the sentence be



1 suspended and the defendant be placed on probation for such  
2 period and upon such terms as the court deems best. If the  
3 sentencing court imposes additional confinement, as outlined  
4 above, credit shall be given for the actual time spent by the  
5 convicted defendant in the program. Conviction of an offense  
6 or prior offense of murder, rape first degree, kidnapping  
7 first degree, sodomy first degree, enticing a child to enter  
8 vehicle, house, etc., for immoral purposes, arson first  
9 degree, robbery first degree, and sentencing of life without  
10 parole will not be eligible for this program. It shall be the  
11 duty of the Joint Prison Committee as established by Sections  
12 29-2-20 to 29-2-22, inclusive, to annually review the  
13 operation of the program and report their findings to the  
14 Alabama Legislature.

15 "(b) Probation may not be granted for a ~~criminal~~ sex  
16 offense involving a child as defined in Section ~~15-20-21(5)~~  
17 15-20A-4(26), which constitutes a Class A or B felony.  
18 Otherwise, probation may be granted whether the offense is  
19 punishable by fine or imprisonment or both. If an offense is  
20 punishable by both fine and imprisonment, the court may impose  
21 a fine and place the defendant on probation as to  
22 imprisonment. Probation may be limited to one or more counts  
23 or indictments, but, in the absence of express limitation,  
24 shall extend to the entire sentence and judgment.

25 "(c) Regardless of whether the defendant has begun  
26 serving the minimum period of confinement ordered under the  
27 provisions of subsection (a), the court shall retain

1 jurisdiction and authority throughout that period to suspend  
2 that portion of the minimum sentence that remains and place  
3 the defendant on probation, notwithstanding any provision of  
4 the law to the contrary and the court may revoke or modify any  
5 condition of probation or may change the period of probation.

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

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

9 "(2) To make restitution or reparation to aggrieved  
10 parties for actual damages or loss caused by the offense for  
11 which conviction was had; and

12 "(3) To provide for the support of any persons for  
13 whose support he or she is legally responsible.

14 "(e) The defendant's liability for any fine or other  
15 punishment imposed as to which probation is granted shall be  
16 fully discharged by the fulfillment of the terms and  
17 conditions of probation.

18 "(f) During any term of probation, the defendant  
19 shall report to the probation authorities at such time and  
20 place as directed by the judge imposing sentence.

21 "(g) No defendant serving a minimum period of  
22 confinement ordered under the provisions of subsection (a)  
23 shall be entitled to parole or to deductions from his or her  
24 sentence under the Alabama Correctional Incentive Time Act,  
25 during the minimum period of confinement so ordered; provided,  
26 however, that this subsection shall not be construed to  
27 prohibit application of the Alabama Correctional Incentive

1 Time Act to any period of confinement which may be required  
2 after the defendant has served such minimum period.

3 "§15-19-7.

4 "(a) No determination made under the provisions of  
5 this chapter shall disqualify any youth for public office or  
6 public employment, operate as a forfeiture of any right or  
7 privilege or make him ineligible to receive any license  
8 granted by public authority, and such determination shall not  
9 be deemed a conviction of crime; provided, however, that if he  
10 is subsequently convicted of crime, the prior adjudication as  
11 youthful offender shall be considered.

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

19 "§15-20A-4.

20 "For purposes of this chapter, the following words  
21 shall have the following meanings:

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

24 "(2) CHILD. A person who has not attained the age of  
25 12.

26 "(3) CHILDCARE FACILITY. A licensed child daycare  
27 center, a licensed childcare facility, or any other childcare

1 service that is exempt from licensing pursuant to Section  
2 38-7-3, provided that the licensed child daycare center,  
3 licensed childcare facility, or any other childcare service  
4 and location are public record or have been provided to local  
5 law enforcement.

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

21 "(5) EMPLOYMENT. Employment that is full-time,  
22 part-time, self-employment, or employment as an independent  
23 contractor or day laborer for any period, whether financially  
24 compensated, volunteered, or for the purpose of government or  
25 educational benefit.

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

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

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

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

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

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

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

17          "(13) LOCAL LAW ENFORCEMENT. The sheriff of the  
18          county and the chief of police if the location subject to  
19          registration is within the corporate limits of any  
20          municipality.

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

23          "(15) PREDATORY. An act directed at a stranger, a  
24          person of casual acquaintance, or with whom no substantial  
25          relationship exists, or a person with whom a relationship has  
26          been established or promoted for the purpose of victimization

1 of that person or individuals over whom that person has  
2 control.

3 "(16) PRIOR CONVICTION. The person has served and  
4 has been released or discharged from, or is serving, a  
5 separate period of incarceration, commitment, or supervision  
6 for the commission of a sex offense, as defined by Section  
7 15-20A-5, prior to, or at the time of, committing another sex  
8 offense.

9 "(17) REGISTERING AGENCY. Any ~~law enforcement~~ agency  
10 ~~where~~ with whom the sex offender registers required  
11 registration information.

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

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

24 "(20) RESIDENCE. Each fixed residence or other place  
25 where a person resides, sleeps, or habitually lives or will  
26 reside, sleep, or habitually live. If a person does not  
27 reside, sleep, or habitually live in a fixed residence,

1 residence means a description of the locations where the  
2 person is stationed regularly, day or night, including any  
3 mobile or transitory living quarters or locations that have no  
4 specific mailing or street address. Residence shall be  
5 construed to refer to the places where a person resides,  
6 sleeps, habitually lives, or is stationed with regularity,  
7 regardless of whether the person declares or characterizes  
8 such place as a residence.

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

1 sheriff of the county in which the offender intends to  
2 establish a residence.

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

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

19 "(24) SENTENCING COURT. The court of adjudication or  
20 conviction.

21 "(25) SEX OFFENDER. Includes any adult sex offender,  
22 any youthful offender sex offender, and any juvenile sex  
23 offender.

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



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

4           "(28) SEXUALLY VIOLENT PREDATOR. A person who has  
5 been convicted of a sexually violent offense and who 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           "(29) STUDENT. A person who is enrolled in or  
9 attends, on a full-time or part-time basis, any public or  
10 private educational institution, including a secondary school,  
11 trade or professional school, or institution of higher  
12 education.

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

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

21           "§15-20A-5.

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

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

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

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

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

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

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

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

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

22           "(9) Indecent exposure, as provided by Section  
23 13A-6-68, provided that on a first conviction or adjudication  
24 of a sex offense, the sex offender is only subject to  
25 registration and verification pursuant to this chapter. On a  
26 second or subsequent conviction or adjudication of a sex  
27 offense, if the second or subsequent conviction or

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

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

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

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

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

15 "(14) Violation of the Alabama Child Pornography  
16 Act, as provided by Section 13A-12-191, 13A-12-192,  
17 13A-12-196, or 13A-12-197.

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

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

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

5           "(18) Kidnapping of a minor, except by a parent,  
6 guardian, or custodian, as provided by Section 13A-6-43 or  
7 13A-6-44.

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

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

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.

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

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

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

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

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

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

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

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

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

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

1 Section 13-1-46; and soliciting a child by computer, as  
2 provided by Section 13A-6-110.

3 "(32) Any solicitation, attempt, or conspiracy to  
4 commit any of the offenses listed in subdivisions (1) to (31),  
5 inclusive.

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

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

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

21 "(36) Any offender determined in any jurisdiction to  
22 be a sex offender shall be considered a sex offender in this  
23 state.

24 "(37) The foregoing notwithstanding, any crime  
25 committed in any jurisdiction which, irrespective of the  
26 specific description or statutory elements thereof, is in any  
27 way characterized or known as rape, carnal knowledge, sodomy,

1 sexual assault, sexual battery, criminal sexual conduct,  
2 criminal sexual contact, sexual abuse, continuous sexual  
3 abuse, sexual torture, solicitation of a child, enticing or  
4 luring a child, child pornography, lewd and lascivious  
5 conduct, taking indecent liberties with a child, molestation  
6 of a child, criminal sexual misconduct, ~~or~~ video voyeurism, or  
7 there has been a finding of sexual motivation.

8 "(38) Any crime not listed in this section wherein  
9 the underlying felony is an element of the offense and listed  
10 in subdivisions (1) to (37), inclusive.

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

14 "§15-20A-6.

15 "(a) (1) The indictment, count in the indictment,  
16 information, complaint or warrant charging the offense may  
17 include a specification of sexual motivation or the  
18 prosecuting attorney may file an allegation of sexual  
19 motivation in any criminal case classified as a felony or  
20 Class A misdemeanor if sufficient admissible evidence exists  
21 that would justify a finding of sexual motivation by a  
22 reasonable and objective finder of fact.

23 "(2) If a specification is included in the  
24 indictment, count in the indictment, information, complaint,  
25 or warrant charging the offense the specification shall be  
26 stated at the end of the body of the indictment, count in the  
27 indictment, information, complaint or warrant and shall be in

1 substantially the following form: "SPECIFICATION or  
2 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert  
3 appropriate name) further find and specify that the offender  
4 committed the offense with a sexual motivation."

5 "(3) If the prosecuting attorney files an allegation  
6 of sexual motivation, it shall be filed within a reasonable  
7 time after indictment to give sufficient notice to the  
8 defendant.

9 "(b) If the indictment, count of the indictment,  
10 information, complaint or warrant charging the offense  
11 includes a specification of sexual motivation or if the  
12 prosecuting attorney files an allegation of sexual motivation,  
13 the state shall prove beyond a reasonable doubt that the  
14 defendant committed the offense with a sexual motivation.

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

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

24 "(e) If there is a finding of sexual motivation, the  
25 finding shall be made part of the record of conviction or  
26 adjudication.



1           "(f) For purposes of this section, sexual motivation  
2 means that one of the purposes for which the defendant  
3 committed the crime was for the purpose of the sexual  
4 gratification of the defendant.

5           "(g) This section shall not apply to sex offenses as  
6 defined in subdivisions (1) to (38), inclusive, of Section  
7 15-20A-5.

8           "§15-20A-7.

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

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

14           "(2) Date of birth.

15           "(3) Social Security number.

16           "(4) Address of each residence.

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

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

25           "(7) The license plate number, registration number  
26 or identifier, description, and permanent or frequent location  
27 where all vehicles are kept for any vehicle used for work or

1 personal use, including land vehicles, aircraft, and  
2 watercraft.

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

5 "(9) Any email addresses or instant message address  
6 or identifiers used, including any designations or monikers  
7 used for self-identification in Internet communications or  
8 postings.

9 "(10) A current photograph.

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

13 "(12) Fingerprints and palm prints.

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

1 shall be immediately forwarded by the entity collecting the  
2 sample to the Department of Forensic Sciences.

3 "(14) A photocopy of the valid driver license or  
4 identification card.

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

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

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

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

16 "~~(18)~~(19) Any other information deemed necessary by  
17 the Director of the Department of Public Safety.

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

23 "(1) A current photograph.

24 "(2) Fingerprints or palm prints.

25 "(3) A DNA sample.

26 "(4) A photocopy of the valid driver license or  
27 identification card.

1           "(5) A photocopy of any and all passport and  
2 immigration documents.

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

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

21           "(e) All required registration information shall be  
22 stored electronically in a manner determined by the Director  
23 of the Department of Public Safety and shall be available in a  
24 digitized format by the Department of Public Safety to anyone  
25 entitled to receive the information as provided in Section  
26 15-20A-42.

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

4           "§15-20A-9.

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

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

23           "(2) If the adult sex offender declares his or her  
24 intent to reside within this state, the responsible agency  
25 shall immediately notify and provide the required registration  
26 information to the Department of Public Safety, the Attorney  
27 General, the district attorney in the county of conviction,

1 and local law enforcement where the adult sex offender intends  
2 to reside. The notification shall also include any other  
3 information available to the responsible agency which would be  
4 necessary to identify and trace the adult sex offender,  
5 including, but not limited to, each sex offense history or a  
6 copy of the pre-sentence investigation of the sex offense and  
7 the release date of the adult sex offender.

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

21 "(4) If an adult sex offender is not able to provide  
22 a residence prior to the time of release, then the responsible  
23 agency shall notify the sheriff of the county where the last  
24 conviction for a sex offense or violation of this chapter took  
25 place at least five days prior to the release of the adult sex  
26 offender. Upon notice of the release date from the responsible  
27 agency, the sheriff of the county of the last conviction for a

1 sex offense or a violation of this chapter shall make  
2 arrangements to have the adult sex offender immediately  
3 remanded to his or her custody to register in accordance with  
4 Section 15-20A-10 at the time of release.

5 "(5) Any adult sex offender who is due to be  
6 released due to the expiration of his or her sentence and who  
7 refuses to provide the required registration information shall  
8 be treated as follows:

9 "a. If the adult sex offender has not accumulated  
10 any incentive time pursuant to Section 14-9-41 or any other  
11 law, he or she shall be charged with violating this section.  
12 At least five days prior to his or her release date, the  
13 Department of Corrections shall notify the sheriff in the  
14 county where the last conviction for a sex offense or  
15 violation of this chapter took place, which county shall be  
16 the proper venue for arrest and prosecution of violation of  
17 this section. Upon notice of the release date, the sheriff  
18 from the county of the last conviction for a sex offense or  
19 violation of this chapter shall make arrangements to have the  
20 adult sex offender immediately remanded to his or her custody  
21 at the time of release. Any adult sex offender charged with  
22 violating this section may only be released on bond on the  
23 condition that the adult sex offender is in compliance with  
24 this section before being released.

25 "b. If the adult sex offender has accumulated  
26 correctional incentive time pursuant to Section 14-9-41 or any  
27 other law, the adult sex offender shall be charged with

1 non-compliance with this section and shall not be allowed  
2 early release, but instead shall forfeit all correctional  
3 incentive time that has accrued pursuant to Section 14-9-41,  
4 or other good time allowed by law.

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

8 "§15-20A-11.

9 "(a) No adult sex offender shall establish a  
10 residence, maintain a residence after release or conviction,  
11 or establish any other living accommodation within 2,000 feet  
12 of the property on which any school or childcare facility is  
13 located unless otherwise exempted pursuant to Sections  
14 15-20A-23 and 15-20A-24.

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

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



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

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

13           "(2) The adult sex offender has been convicted of  
14 any sex offense in which any of the minor children,  
15 grandchildren, stepchildren, siblings, or stepsiblings of the  
16 adult sex offender was the victim.

17           "(3) The adult sex offender has been convicted of  
18 any sex offense in which a minor was the victim and the minor  
19 resided or lived with the adult sex offender at the time of  
20 the offense.

21           "(4) The adult sex offender has been convicted of  
22 any sex offense involving a child, regardless of whether the  
23 adult sex offender was related to or shared a residence with  
24 the child victim.

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

1           "(e) Notwithstanding any other provision of law  
2 regarding establishment of residence, an adult sex offender  
3 shall be deemed to have established a residence in any of the  
4 following circumstances:

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

7           "(2) Wherever an adult sex offender resides  
8 following release, regardless of whether the adult sex  
9 offender resided at the same location prior to the time of  
10 conviction.

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

14           "(4) Whenever an adult sex offender vacates his or  
15 her residence or fails to spend three or more consecutive days  
16 at his or her residence without previously notifying local law  
17 enforcement or obtaining a travel permit pursuant to Section  
18 15-20A-15.

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

25           "(g) For the purposes of this section, the  
26 2,000-foot measurement shall be taken in a straight line from  
27 nearest property line to nearest property line.

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

3           "§15-20A-14.

4           "(a) Any adult sex offender who declares he or she  
5 is entering the state to establish a residence or who enters  
6 this state ~~and establishes~~ to establish a residence shall  
7 immediately appear in person and register all required  
8 registration information with local law enforcement in the  
9 county ~~of residence~~ where the adult sex offender intends to  
10 establish or establishes a residence.

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

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

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

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

3           "§15-20A-16.

4           "(a) No adult sex offender shall contact, directly  
5 or indirectly, in person or through others, by phone, mail, or  
6 electronic means, any former victim. No sex offender shall  
7 make any harassing communication, directly or indirectly, in  
8 person or through others, by phone, mail, or electronic means  
9 to the victim or any immediate family member of the victim.

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

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

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

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

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

1           "(4) The district attorney or prosecuting attorney  
2 shall be notified of the hearing and shall have the right to  
3 be present and heard.

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

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

11           "§15-20A-18.

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

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

8           "(c) Whenever the Department of Public Safety issues  
9 or renews a driver license or identification card to an adult  
10 sex offender, the driver license or identification card shall  
11 bear a designation that enables law enforcement officers to  
12 identify the licensee as a sex offender.

13           "(d) Upon obtaining or renewing a driver license or  
14 identification card bearing a designation that enables law  
15 enforcement officers to identify the licensee as a sex  
16 offender, the adult sex offender shall relinquish to the  
17 Department of Public Safety any other driver license or  
18 identification card previously issued to him or her which does  
19 not bear any designation enabling law enforcement officers to  
20 identify the licensee as a sex offender.

21           "(e) No adult sex offender shall mutilate, mar,  
22 change, reproduce, alter, deface, disfigure, or otherwise  
23 change the form of any driver license or identification card  
24 which is issued to the adult sex offender and which bears any  
25 designation enabling law enforcement officers to identify the  
26 licensee as a sex offender. An adult sex offender having in  
27 his or her possession a driver license or identification card

1 issued to him or her by the Department of Public Safety  
2 bearing any designation enabling law enforcement officers to  
3 identify the licensee as a sex offender which has been  
4 mutilated, marred, changed, reproduced, altered, defaced,  
5 disfigured, or otherwise changed shall be prima facie evidence  
6 that he or she has violated this section.

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

9 "§15-20A-21.

10 "(a) Immediately upon the release of an adult sex  
11 offender or immediately upon notice of where the adult sex  
12 offender plans to establish, or has established a residence,  
13 the following procedures shall apply:

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

22 "(2) In all other cities in Alabama with a resident  
23 population of 5,000 or more, the chief of police, or if none,  
24 then the sheriff of the county, shall notify all persons who  
25 have a legal residence within 1,500 feet of the declared  
26 residence of the adult sex offender and all schools and  
27 childcare facilities within three miles of the declared

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

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

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

24 "(c) Nothing in this chapter shall be construed as  
25 prohibiting the Director of the Department of Public Safety, a  
26 sheriff, or a chief of police from providing community  
27 notification under the provisions of this chapter by regular



1 mail, electronically, or by publication or periodically to  
2 persons whose legal residence is within the guidelines of this  
3 chapter or more than the applicable distance from the  
4 residence of an adult sex offender.

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

13 "§15-20A-22.

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

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

24 "(c) If, at the time of registration, the adult sex  
25 offender is unable to pay the registration fee, the  
26 registering agency may require the adult sex offender to pay  
27 the fee in installments not to exceed 90 days. The registering

1 agency shall waive the registration fee if the adult sex  
2 offender has an order from the court declaring his or her  
3 indigence. In the event the adult sex offender is determined  
4 to be indigent, a periodic review of the adult sex offender's  
5 indigent status shall be conducted by the court to determine  
6 if the offender is no longer indigent. Further, if the  
7 offender is determined to be indigent by the sentencing court,  
8 nothing in this chapter shall prohibit the offender from being  
9 placed on a payment plan where the entire fee is collected in  
10 total.

11 "(d) (1) The fees collected under this section shall  
12 be appropriated to the registering agency to defray the costs  
13 of sex offender registration, verification, and notification.

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

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

25 "(4) Any and all registration fees collected by a  
26 chief of police, or his or her designee, shall be deposited  
27 into the municipal general fund and made available to the

1 affected law enforcement agency or department upon requisition  
2 of the chief law enforcement official of such agency or  
3 department and shall be used for any lawful purpose related to  
4 sex offender registration, notification, tracking or  
5 apprehension.

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

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

17 "§15-20A-23.

18 "(a) A sex offender required to register under this  
19 chapter may petition the court for relief from the residency  
20 restriction pursuant to subsection (a) of Section 15-20A-11  
21 during the time a sex offender is terminally ill or  
22 permanently immobile.

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

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

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

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

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

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

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

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

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

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

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

1           "(5) A release allowing the prosecuting attorney or  
2 the court to obtain any other medical records or documentation  
3 relevant to the petition.

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

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

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

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

1           "(h) The court shall send a copy of any order  
2 releasing a sex offender from any residency restrictions  
3 pursuant to subsection (a) of Section 15-20A-11 to the  
4 prosecuting attorney and the Department of Public Safety.

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

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

15           "(k) If at any time the sex offender is no longer  
16 terminally ill or permanently immobile, the sex offender shall  
17 immediately register in person with local law enforcement in  
18 each county of residence and update all required registration  
19 information.

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

25           "(m) The state may petition the court to reinstate  
26 the restrictions pursuant to subsection (a) of Section  
27 15-20A-11 for good cause shown.

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

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

10           "(p) A person who provides false or misleading  
11 information pursuant to this section shall be guilty of a  
12 Class C felony.

13           "§15-20A-24.

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

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

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

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

1                   "(4) Sexual misconduct, as provided by Section  
2 13A-6-65.

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

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

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

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

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

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

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

23                   "(1) If the adult or youthful offender sex offender  
24 was adjudicated or convicted in this state, the petition for  
25 relief shall be filed in the ~~sentencing court~~ civil division  
26 of the circuit court where the adult or youthful offender sex  
27 offender was adjudicated or convicted.



1           "(2) If the adult or youthful offender sex offender  
2 was adjudicated or convicted in a jurisdiction outside of this  
3 state, the petition for relief shall be filed in the  
4 ~~appropriate court of this state with similar jurisdiction~~  
5 civil division of the circuit court in the county in which the  
6 adult or youthful offender sex offender resides.

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

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

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

16           "a. The prosecuting attorney in the county of  
17 adjudication or conviction, if the sex offender was  
18 adjudicated or convicted in this state.

19           "b. The prosecuting attorney of the county where the  
20 sex offender resides.

21           "c. Local law enforcement where the sex offender was  
22 adjudicated or convicted, if the sex offender was adjudicated  
23 or convicted in this state.

24           "d. Local law enforcement where the adult sex  
25 offender resides.

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

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

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

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

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

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

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

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

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

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

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

6 "(h) In determining whether to grant relief, the  
7 court may consider any of the following:

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

12 "(2) Recommendations from the prosecuting attorney.

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

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

17 "(5) The relationship of the parties.

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

19 "(7) The protection of society.

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

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

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

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

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

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

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

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

1           "§15-20A-25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20               "(1) The nature of the offense.

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

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

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

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

1 a copy of the order to the prosecuting attorney where the  
2 petition was filed and to the Department of Public Safety.

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

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

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

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

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

24 "§15-20A-26.

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



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

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

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

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

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

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

10 "§15-20A-28.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 "§15-20A-29.

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

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

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

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

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

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

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

24 "§15-20A-32.

25 "(a) A juvenile sex offender or youthful offender  
26 sex offender, or equivalent thereto, who is not currently a  
27 resident of this state, shall immediately appear in person and

1 register all required registration information upon  
2 establishing a residence, accepting employment, or beginning  
3 school attendance in this state with local law enforcement in  
4 each county where the juvenile sex offender or youthful  
5 offender sex offender resides or intends to reside, accepts  
6 employment, or begins school attendance.

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

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

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

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

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

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

6 "§15-20A-34.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

27           "(3) Recommendations from the prosecuting attorney.

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

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

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

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

14           "(8) The protection of society.

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

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

20           "(i) The court shall provide a copy of any order  
21 granting relief to the prosecuting attorney and to the  
22 Department of Public Safety.

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

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

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

8 "(l) Notwithstanding any state or local law or rule  
9 assigning costs and fees for filing and processing civil and  
10 criminal cases, the fee for filing the petition for relief  
11 shall be two hundred dollars (\$200) to be distributed as  
12 provided in Section 15-20A-46.

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

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

19 "§15-20A-35.

20 "For the purposes of this chapter, a youthful  
21 offender sex offender who has not been previously adjudicated  
22 or convicted of a sex offense and who has not yet attained the  
23 age of 18 at the time of the offense shall be considered a  
24 juvenile sex offender. A youthful offender sex offender who  
25 has been previously adjudicated or convicted of a sex offense  
26 as a juvenile sex offender, youthful offender sex offender, or  
27 adult sex offender, or who has attained the age of 18 at the

1 time of the offense shall be treated as an adult sex offender  
2 convicted of a sex offense. A youthful offender sex offender  
3 who is treated as a juvenile sex offender for purposes of this  
4 chapter may not be released from the jurisdiction of the  
5 sentencing court until the youthful offender sex offender has  
6 undergone sex offender treatment and a risk assessment as  
7 required by Section 15-20A-26.

8 "§15-20A-37.

9 "(a) When a sex offender declares, and county is  
10 notified that a sex offender intends to reside, be employed,  
11 or attend school in the county and the sex offender fails to  
12 appear for registration ~~upon entering that county as required,~~  
13 the county that received the notice shall immediately inform  
14 the sheriff of the county that provided the notice that the  
15 sex offender failed to appear for registration ~~as required.~~

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

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

1 whether the sex offender absconded to the United States  
2 Marshals Service.

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

5 "(1) The sheriff of the county in which the sex  
6 offender has absconded shall immediately obtain a warrant for  
7 the arrest of the sex offender.

8 "(2) The sheriff of the county in which the sex  
9 offender has absconded shall immediately notify the United  
10 States Marshals Service and the Department of Public Safety.

11 "(3) The Department of Public Safety shall  
12 immediately update its public registry website to reflect that  
13 the sex offender has absconded.

14 "(4) The Department of Public Safety shall  
15 immediately notify the Criminal Justice Information Center,  
16 who shall immediately notify the National Criminal Information  
17 Center.

18 "(5) The Department of Public Safety shall  
19 immediately notify the National Sex Offender Registry to  
20 reflect that the sex offender has absconded and enter the  
21 information into the National Crime Center Wanted Person File.

22 "(e) A sex offender who fails to appear for  
23 registration after declaring his or her intent to reside, be  
24 employed, or attend school in a county without notifying local  
25 law enforcement that he or she will no longer establish a  
26 residence, maintain employment, or attend school, shall be  
27 guilty of a Class C felony.

1           "§15-20A-39.

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

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

14                 "(2) Allows a sex offender to reside at his or her  
15 residence to avoid registration if the address is not the  
16 address the sex offender listed as his or her residence  
17 address.

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

20                 "(4) Provides the sex offender with money,  
21 transportation, weapon, disguise, or other means of avoiding  
22 discovery or apprehension.

23                 "(5) Conceals, attempts to conceal, or assists  
24 another in concealing or attempting to conceal the sex  
25 offender.

1           "(6) Provides information to a law enforcement  
2 agency regarding a sex offender which the person knows to be  
3 false.

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

7           "(c) Harboring, assisting, or concealing a sex  
8 offender is a Class C felony.

9           "§15-20A-40.

10          "(a) It is the intent of the Legislature that a  
11 duplicate of a certified copy of a public record be admissible  
12 and is not dependent on the original custodian of record to  
13 gain admissibility. Further, the Legislature finds that the  
14 certification by the clerk of the court and the certification  
15 by the Department of Public Safety assures reliability and  
16 trustworthiness.

17          "(b) The clerk of the court shall forward a  
18 certified copy of a sex offender's adjudication or conviction  
19 to the Department of Public Safety within 30 days of  
20 ~~sentencing~~ receipt of the order of adjudication or conviction  
21 of any of the offenses listed in Section 15-20A-5.

22          "(c) Any state, county, or municipal law enforcement  
23 agency, the Attorney General, or a district attorney may  
24 request a duplicate of the sex offender's adjudication or  
25 conviction from the Department of Public Safety.

26          "(d) Upon the request of any of the agencies listed  
27 in subsection (c), the custodian of records, or its designee,

1 of the Department of Public Safety shall immediately certify  
2 all of the following:

3 "(1) That the Department of Public Safety received  
4 the certified copy of the sex offender's conviction or  
5 adjudication from the clerk of the court pursuant to  
6 subsection (b).

7 "(2) That the original certified copy received from  
8 the clerk of the court remains in the possession of the  
9 Department of Public Safety.

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

12 "(e) Upon certification by the Department of Public  
13 Safety as provided in subsection (d), the Department of Public  
14 Safety shall immediately forward the certified documents to  
15 the requesting agency.

16 "(f) Notwithstanding any other law or rule of  
17 evidence, a certified copy of the record of adjudication or  
18 conviction as defined in subsection (b), provided by the  
19 Department of Public Safety as provided in subsection (d),  
20 shall be proof of the sex offender's adjudication or  
21 conviction of a sex offense and shall be admissible into  
22 evidence, without further proof, in any court in this state.

23 "(g) For the purpose of this section, the term  
24 conviction or adjudication shall mean a final conviction or  
25 adjudication, regardless of whether the conviction or  
26 adjudication is on appeal.



1           "(h) Any clerk of a court, who willfully or  
2 intentionally fails to report any such conviction or  
3 adjudication in his or her court shall be guilty of a Class A  
4 misdemeanor.

5           "§15-20A-43.

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

16           "§15-20A-45.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 "§15-20A-46.

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

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

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

20 "a. Any and all monies collected under this  
21 subdivision shall be deposited in the county general fund  
22 earmarked for use by the sheriff and shall be paid to the  
23 sheriff upon request by the sheriff to be used at the  
24 discretion of the sheriff for any law enforcement purpose  
25 related to sex offender registration, notification, tracking  
26 or apprehension.

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

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

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

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

11           "§15-22-27.3.

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

16           "§32-6-49.24.

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

24           "(2) If a person who is registered as a sex offender  
25 pursuant to Chapter 20A of Title 15, formerly Article 2 of  
26 Chapter 20 of Title 15 on July 10, 2010, has a valid  
27 commercial driver license with a P or an S endorsement that

1 was issued on or before July 10, 2010, then the person is not  
2 disqualified under this subsection until that license expires,  
3 provided the person does not commit a subsequent offense that  
4 requires registration as a sex offender under Chapter 20A of  
5 Title 15, formerly Article 2 of Chapter 20 of Title 15.

6 "(b) The department shall revoke the commercial  
7 driver license with a P or an S endorsement of any person  
8 convicted of any offense on or after July 10, 2010, that  
9 requires registration as a sex offender under Chapter 20A of  
10 Title 15, formerly Article 2 of Chapter 20 of Title 15.

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

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

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

26 "(4) If the department is unable to access either  
27 the statewide registry or all information of other states

1 contained in the National Sex Offender Public Registry, but  
2 the person is otherwise qualified to obtain a commercial  
3 driver license with a P or an S endorsement, then the  
4 department shall issue the commercial driver license with the  
5 P or S endorsement, but shall first require the person to sign  
6 an affidavit stating that the person does not appear on either  
7 the statewide registry or the National Sex Offender Public  
8 Registry. The department shall search the statewide registry  
9 and the National Sex Offender Public Registry for the person  
10 within a reasonable time after access to the statewide  
11 registry or the National Sex Offender Public Registry is  
12 restored. If the person does appear in either registry, the  
13 person is in violation of this section, and the department  
14 shall immediately cancel the commercial driver license and  
15 shall promptly notify the district attorney of the circuit  
16 where the person resides of the offense.

17 "(5) Any person denied a commercial driver license  
18 with a P or an S endorsement pursuant to this subsection shall  
19 have a right to file an appeal to the department within 30  
20 days thereafter for a hearing in the matter. The department  
21 shall set the matter for a hearing within 30 days in order to  
22 take testimony and examine the facts of the case and determine  
23 whether the petitioner is entitled to a commercial driver  
24 license with a P or an S endorsement under this subsection.

25 "(6) Any person who makes a false affidavit, or who  
26 knowingly swears or affirms falsely, to any matter or thing

1 required by this section to be affirmed to or sworn is guilty  
2 of a Class C felony.

3 "(d) A person who drives a commercial passenger  
4 vehicle or a school bus and who does not have a valid  
5 commercial driver license with a P or an S endorsement because  
6 the person was convicted of a violation that requires  
7 registration as a sex offender under Chapter 20A of Title 15,  
8 formerly Article 2 of Chapter 20 of Title 15 is guilty of a  
9 Class C felony.

10 "§36-18-24.

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

13 "(1) Assisting federal, state, county, municipal, or  
14 local criminal justice and law enforcement officers or  
15 agencies in the putative identification, detection, or  
16 exclusion of persons who are the subjects of investigations or  
17 prosecutions of sex related crimes, other violent crimes, or  
18 other crimes in which biological evidence is received or  
19 recovered.

20 "(2) Supporting identification research and protocol  
21 development of DNA forensic methods.

22 "(3) Creating and maintaining DNA quality control  
23 standards.

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

1           "(5) Assisting in other humanitarian purposes  
2 including the identification of missing, deceased, or  
3 unidentified persons.

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

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

9           "(2) Persons confined as of May 6, 1994, under a  
10 sentence of imprisonment or involuntary incarceration or  
11 confinement in a prison, jail, or other incarceration facility  
12 as a result of any felony conviction.

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

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

20           "(5) Persons convicted or sentenced after May 6,  
21 1994, for any of the offenses enumerated above and serving a  
22 sentence of probation, suspended sentence, or other sentence  
23 or judgment not requiring immediate incarceration.

24           "(6) Subject to subdivision (3) of subsection (c) of  
25 Section 36-18-25, persons arrested on or after October 1,  
26 2010, for any felony offense or for any sexual offense  
27 including, but not limited to, those that would require



1 registration pursuant to the Alabama Sex Offender Registration  
2 and Community Notification Act, Article 2, commencing with  
3 Section ~~15-20-20~~ 15-20A-1, of Chapter ~~20~~ 20A, Title 15, former  
4 Community Notification Act, Article 2, of Chapter 20 of Title  
5 15.

6 "§36-18-25.

7 "(a) All persons convicted of a criminal offense as  
8 set out in Section 36-18-24 shall, when requested by the  
9 director submit to the taking of a DNA sample or samples as  
10 may be specified by the director, provided, however, the  
11 director shall promulgate such rules and regulations as may be  
12 necessary for the purposes of ensuring that DNA samples are  
13 collected in a medically approved manner.

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

21 "(c) (1) All persons arrested for any felony offense  
22 on or after October 1, 2010, or for any sexual offense  
23 including, but not limited to, those that would require  
24 registration pursuant to the Alabama Sex Offender Registration  
25 and Community Notification Act, Article 2, commencing with  
26 Section ~~15-20-20~~ 15-20A-1, of Chapter ~~20~~ 20A, Title 15, or the  
27 former Community Notification Act, Article 2, of Chapter 20 of

1 Title 15, on or after October 1, 2010, shall have a DNA sample  
2 drawn or taken, as specified by the director, at the same time  
3 he or she is fingerprinted pursuant to the booking procedure  
4 or at the time of arrest.

5 "(2) For purposes of this chapter, a juvenile who is  
6 arrested for an offense covered by this chapter or adjudicated  
7 delinquent for the commission of a felony-grade delinquent act  
8 shall be considered a person who is arrested for a felony or  
9 other specified offense.

10 "(3) Notwithstanding the other provisions of this  
11 section, any person arrested for a felony offense or a sexual  
12 offense, including a juvenile pursuant to subdivision (2),  
13 shall consent in writing freely and voluntarily to provide a  
14 DNA sample and shall be informed that they are providing  
15 written permission without any threats or promises. The person  
16 shall have the right to refuse to provide a sample pursuant to  
17 subdivision (1) or (2) without penalty. The refusal may not be  
18 used as evidence against the person in any proceeding.

19 "(4) If it is determined that the person's DNA  
20 sample has been included in the DNA database, and has not been  
21 subject to a court's order expunging the record from the DNA  
22 database, no additional sample is required.

23 "(d) As of May 6, 1994, all persons convicted of any  
24 of the offenses set out in Section 36-18-24 shall be ordered  
25 to submit to the taking of a DNA sample or samples as  
26 specified by the director as a mandatory condition of any term

1 of probation or suspended sentence which may be imposed by the  
2 sentencing court.

3 "(e) As of May 6, 1994, all persons convicted for  
4 any offense set out in Section 36-18-24 and under any sentence  
5 of confinement to any incarceration facility, shall, when  
6 requested by the director, submit to the taking of a DNA  
7 sample or samples as specified by the director. Upon the  
8 refusal of any such person to so submit, the custodian of the  
9 incarceration facility shall require such submission as a  
10 mandatory condition of any temporary, partial, or limited  
11 release, including, but not limited to, work release,  
12 furlough, or other incentive release.

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

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

25 "(h) Nothing in this article shall be construed as  
26 creating a cause of action against the state or any of its  
27 agencies, officials, employees, or political subdivisions

1 based on the performance of any duty imposed by this article  
2 or the failure to perform any duty imposed by this article.

3 "(i) A DNA sample obtained in good faith shall be  
4 deemed to have been obtained in accordance with the  
5 requirements of this chapter and its use in accordance with  
6 this chapter is authorized until the circuit court in which an  
7 individual was convicted or, in a case where the DNA sample  
8 was collected pursuant to a felony or sexual offense arrest,  
9 the circuit court where the individual was arrested, orders  
10 that the DNA sample should be expunged.

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

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

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

21 "(3) If personally identifiable information is  
22 removed for forensic validation studies, forensic protocol  
23 development, or quality control purposes.

24 "§38-13-2.

25 "When used in this chapter, the following words  
26 shall have the following meanings:

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

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

5           "(3) APPLICANT. A person or entity who submits an  
6 application for license as a child care or adult care facility  
7 to the Department of Human Resources or a child placing  
8 agency, or an application for employment or for a volunteer  
9 position to a Department of Human Resources licensed child  
10 care or adult care facility. With regards to child care and  
11 adult care facilities in a home setting, the term includes an  
12 adult household member whose residence is in the home. The  
13 term also includes an individual who submits an application  
14 for a volunteer position or for employment with the Department  
15 of Human Resources in a position in which the person has  
16 unsupervised access to children, adults, or individuals with  
17 disabilities as one of the essential functions of the job. The  
18 term also includes an applicant for approval as an adoptive  
19 parent of a child or as a foster parent of an adult or child.

20           "(4) AUTOMATED SYSTEM. The computerized, automated  
21 fingerprint identification system (AFIS) maintained by the  
22 Department of Public Safety that allows for a computer search  
23 of the in-state database for criminal history background check  
24 information maintained by the Alabama Criminal Justice  
25 Information Center (ACJIC). The system contains criminal  
26 history background information for fingerprint-based and  
27 name-based searches.

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

4           "(6) CARETAKER SETTING. A building, structure, or  
5 location, public or private property, or vehicle, utilized for  
6 or involved in the providing of care, education, training,  
7 instruction, or supervision of children, adults, or  
8 individuals with disabilities or transportation in connection  
9 with activity provided by a licensed, approved, or certified  
10 child or adult care facility.

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

15           "(8) CHILD or CHILDREN. An individual under 19 years  
16 of age.

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

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

25           "(11) CONVICTION. A determination of guilt as the  
26 result of a plea, including a plea of nolo contendere, or a  
27 trial.

1           "(12) CRIMINAL HISTORY BACKGROUND INFORMATION CHECK.

2           The review of any and all records containing any information  
3           collected and stored in the criminal record repository of the  
4           Federal Bureau of Investigation, the Alabama Criminal Justice  
5           Information Center, and the Alabama Department of Public  
6           Safety involving an arrest or conviction by a criminal justice  
7           agency, including, but not limited to, child abuse crime  
8           information as defined by 42 U.S.C. § 5119, the National Child  
9           Protection Act of 1993, conviction record information,  
10          fingerprint cards, correctional data and release information,  
11          and identifiable descriptions and notations of convictions.  
12          Criminal history background information shall not include any  
13          analytical records or investigative reports that contain  
14          intelligence information or criminal investigation  
15          information.

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

19          "(14) DAILY LIVING TASKS. Activities of daily  
20          living, including walking, working, learning, grooming and  
21          hygiene, bathing, dressing, eating, cooking, cleaning,  
22          shopping, transportation, managing money, maintaining a  
23          residence, writing, and using telephones, computers, and other  
24          automated communication devices.

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

1           "(16) EMPLOYEE. An individual currently in the  
2 service of an employer for compensation, full-time or  
3 part-time, and employed by contract or at will, in which the  
4 employer has the authority to control the person in the  
5 material details of how work shall be performed and when  
6 compensation shall be provided.

7           "(17) EMPLOYER. An individual, person, group of  
8 persons, association, partnership, corporation, limited  
9 liability company or partnership, business, or other entity  
10 which hires employees, has volunteers, or contracts with  
11 others to provide personnel to work with or provide care to  
12 children, adults, or individuals with disabilities in a  
13 caretaker setting.

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

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

21           "(20) INDIVIDUAL. A natural person.

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

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



1           "(23) LICENSE. A license, permit, certification,  
2 approval, registration, or other form of permission required  
3 by law by whatever designation for a child care facility,  
4 adult care facility, child placing agency, foster parent or  
5 foster home, adoptive parent or adoptive home, or any other  
6 person or entity in which an individual has unsupervised  
7 access to children, the elderly, or individuals with  
8 disabilities.

9           "(24) LICENSED SOCIAL WORKER. A social worker  
10 licensed by the Alabama State Board of Social Work Examiners  
11 to conduct family home studies and psychosocial assessments in  
12 adoptive or custody cases by court order or for treatment not  
13 otherwise required to conduct a criminal history check.

14           "(25) LICENSEE. Holder of a license or approval and  
15 an adult household member whose residence is in the home in  
16 regards to child care and adult care facilities in a home  
17 setting.

18           "(26) PERSON or ENTITY. A natural person, sometimes  
19 referred to as an individual, an owner or operator of any  
20 adult care facility, child care facility, child placing  
21 agency, exempt child care facility, or licensee, whether an  
22 individual, corporation, limited liability company or  
23 partnership, partnership, association, or other legal entity  
24 or group, and a board member, an officer, member, or partner  
25 of an entity who has direct contact with children, the  
26 elderly, or individuals with disabilities in care.

1           "(27) REASONABLE SUSPICION. Belief by a prudent  
2 person that reasonable articulable grounds exist to suspect  
3 that the employee's past or present behavior should be  
4 reviewed to determine if such behavior or conduct bears upon  
5 the individual's fitness to teach or supervise or have  
6 responsibility for the safety and well-being of children, the  
7 elderly, or persons with disabilities as defined in this  
8 chapter.

9           "(28) REPORT. A written statement of criminal  
10 history background information.

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

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

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

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

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

23           "d. Promoting prostitution in the first or second  
24 degree, as proscribed by Section 13A-12-111 or Section  
25 13A-12-112.

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

1                    "f. Sexual misconduct, as proscribed by Section  
2 13A-6-65.

3                    "g. Sexual torture, as proscribed by Section  
4 13A-6-65.1.

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

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

9                    "j. Soliciting a child by computer for the purposes  
10 of committing a sexual act and transmitting obscene material  
11 to a child by computer as proscribed by Sections 13A-6-110 and  
12 13A-6-111.

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

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

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

22                    "n. Conviction for a violation or attempted  
23 violation of an offense committed outside the State of Alabama  
24 or under federal law is a sex crime or any other crime if the  
25 offense would be a crime in Alabama.

26                    "(31) SUITABILITY CRITERIA.

1            "a. Convictions for any of the following crimes  
2 shall make an individual unsuitable for employment, volunteer  
3 work, approval, or licensure:

4            "1. Murder, manslaughter, or criminally negligent  
5 homicide.

6            "2. A sex crime.

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

10           "4. A crime committed against a child.

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

13           "6. Robbery.

14           "7. A crime or offense committed in another state or  
15 under federal law which would constitute any of the above  
16 crimes in this state.

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

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

1           "(32) SUITABILITY DETERMINATION. A decision that an  
2 individual is or is not suitable for employment, volunteer  
3 work, or licensure based upon the existence of a prohibited  
4 criminal conviction.

5           "(33) UNSUPERVISED ACCESS TO A CHILD OR CHILDREN,  
6 THE ELDERLY, OR AN INDIVIDUAL WITH DISABILITIES. Contacts,  
7 interviews, questions, examinations, interaction, or  
8 communications outside the presence, supervision, and control  
9 of someone other than a child or elderly or disabled  
10 individual in care during the provision of care, education,  
11 training, instruction, supervision, or other employment or  
12 license related activities.

13           "(34) VOLUNTEER. An individual who provides services  
14 without an express or implied promise of compensation, but  
15 shall not include the parent, family member, legal custodian,  
16 or legal guardian of a child, the elderly, or disabled  
17 individual in care.

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

20           "a. The name, address, date of birth, race, gender,  
21 and Social Security number appearing on a valid identification  
22 document as defined in subsection (d) of 18 U.S.C. § 1028. If  
23 the applicant does not have a Social Security number because  
24 of sincerely held personal beliefs, the Social Security number  
25 shall not be required and the Department of Human Resources  
26 and the Department of Public Safety shall provide an  
27 alternative means of identification and procedure.

1           b. Notice to the applicant or employee of the right  
2 to obtain a copy of the criminal history background  
3 information check report, challenge the accuracy and  
4 completeness of any information contained in the report, and  
5 to obtain a prompt determination as to the validity of a  
6 challenge.

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

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

12          "§38-13-4.

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

26                ""MANDATORY CRIMINAL HISTORY CHECK NOTICE: Alabama  
27 law requires that a criminal history background information

1 check be conducted on all persons who hold a license or work  
2 in a Department of Human Resources licensed child care or  
3 adult care facility, a foster or adoptive home approved by the  
4 Department of Human Resources, or a licensed child placing  
5 agency, including all officers and agents of the entity. You  
6 are required to provide full, complete, and accurate  
7 information on your criminal conviction history upon  
8 application for a license or employment. This information  
9 shall be used to determine your suitability to provide care to  
10 children, the elderly, or disabled individuals. Unless a  
11 criminal history background information check report and  
12 suitability determination have previously been obtained, you  
13 must complete a written request and consent for a criminal  
14 history background information check with fingerprints at the  
15 time of application for employment. Refusal to complete these  
16 documents or providing false information may result in refusal  
17 of employment, approval, or licensure. The term conviction  
18 includes a determination of guilt by a trial, by a plea of  
19 guilty, or a plea of nolo contendere. You are required to  
20 notify your employer, licensing agency, or entity where you  
21 are performing volunteer work of any criminal conviction  
22 occurring subsequent to the date of completion of this notice.  
23 Any individual determined to have submitted false information  
24 may be referred to the district attorney or law enforcement  
25 for investigation and possible prosecution. An individual who  
26 intentionally falsifies or provides any misleading information  
27 on the statement is guilty of a Class A misdemeanor,

1 punishable by a fine of not more than two thousand dollars  
2 (\$2,000) and imprisonment for not more than one year.

3 "Convictions for any of the following crimes shall  
4 make an individual unsuitable for employment, volunteer work,  
5 approval, or licensure:

6 ""1. Murder, manslaughter, or criminally negligent  
7 homicide.

8 ""2. A sex crime.

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

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

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

15 ""A sex crime includes the following:

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

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

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

25 ""d. Promoting prostitution in the first or second  
26 degree, as proscribed by Section 13A-12-111 or Section  
27 13A-12-112 of the Code of Alabama 1975.



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

4            ""f. Sexual misconduct, as proscribed by Section  
5            13A-6-65 of the Code of Alabama 1975.

6            ""g. Sexual torture, as proscribed by Section  
7            13A-6-65.1 of the Code of Alabama 1975.

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

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

14           ""j. Soliciting a child by computer for the purposes  
15           of committing a sexual act and transmittal of obscene material  
16           to a child by computer as proscribed by Sections 13A-6-110 and  
17           13A-6-111 of the Code of Alabama 1975.

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

21           ""l. Any solicitation, attempt, or conspiracy to  
22           commit any of the offenses listed in paragraphs a. to k.,  
23           inclusive.

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

1            ""6. Conviction for a crime listed in the federal  
2 Adoption and Safe Families Act as prohibiting a person from  
3 being a foster parent or adoptive parent shall be deemed to  
4 make the convicted person unsuitable for employment, volunteer  
5 work, approval, or licensure as a foster parent or adoptive  
6 parent.

7            ""7. Conviction for a violation or attempted  
8 violation of an offense committed outside the State of Alabama  
9 or under federal law is a sex crime or any other crime listed  
10 in this notice if the offense would be a crime listed in this  
11 notice in Alabama.

12            ""CRIMINAL HISTORY STATEMENT

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

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

21            "" \_\_\_\_\_

22            "" \_\_\_\_\_

23            ""Date \_\_\_\_\_ Signature \_\_\_\_\_."

24            "(b) An individual who fails or refuses to provide a  
25 statement shall not be employed, allowed to work or volunteer,  
26 or issued a license or approval as defined in this chapter.  
27 Upon receipt of a signed criminal history statement which does

1 not indicate conviction for a crime prohibiting employment  
2 under the suitability criteria, an employer, including the  
3 Department of Human Resources, may employ an applicant or  
4 allow a volunteer or contract provider to work provisionally  
5 pending receipt of a suitability determination from the  
6 Department of Human Resources.

7 "(c) No later than the five business days after  
8 employment or a reasonable time after completion of  
9 application for a license or approval, an employer, the  
10 Department of Human Resources, or child placing agency shall  
11 mail or deliver a request for a criminal history background  
12 information check to the Department of Public Safety  
13 accompanied by the following:

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

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

20 "(3) The fee.

21 "(d) Upon receipt of a suitability determination  
22 from the Department of Human Resources that a person or entity  
23 is suitable for employment, volunteer work, licensure, or  
24 approval based on the criminal history background information  
25 check, an employer, a child care facility, adult care  
26 facility, a child placing agency, or the Department of Human  
27 Resources may make its own determination of employment,

1 licensure, or approval. This chapter shall not create any  
2 right to employment, work, approval, or licensure. Upon  
3 receipt of a determination from the Department of Human  
4 Resources that an individual is unsuitable for employment,  
5 licensure, approval, or volunteer work, an employer, the child  
6 care facility, adult care facility, child placing agency, or  
7 Department of Human Resources shall terminate the individual  
8 from employment or volunteer work or shall not employ or use  
9 the individual. Termination of employment may be delayed by  
10 the employer to allow the individual to challenge either the  
11 accuracy or completeness of the criminal history information  
12 background report or the suitability determination made by the  
13 Department of Human Resources. The Department of Human  
14 Resources or child placing agency shall suspend or revoke a  
15 license or approval or deny a license or approval application  
16 to an individual receiving an unsuitability determination. As  
17 an alternative to termination of employment, the Department of  
18 Human Resources may transfer a permanent Merit System employee  
19 to an available position for which the employee is qualified  
20 where unsupervised access to children, the elderly, or persons  
21 with disabilities shall not be an essential function of the  
22 job.

23 "(e) If a review of a criminal history background  
24 information check or other information received reveals that  
25 the person has submitted false information, the employer,  
26 child care facility, adult care facility, child placing  
27 agency, or Department of Human Resources may terminate the

1 employee or volunteer. The Department of Human Resources or  
2 child placing agency may revoke the approval or license of a  
3 person or entity when the person or entity submits false  
4 information in a review of criminal history background  
5 information check or other information. The Department of  
6 Human Resources shall be notified of the false information and  
7 may refer the case to an appropriate law enforcement agency or  
8 district attorney for investigation and prosecution.

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

1 required by the written consent for a criminal history  
2 background information check."

3 Section 2. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621 because the  
7 bill defines a new crime or amends the definition of an  
8 existing crime.

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