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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB296
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8 SYNOPSIS: Existing law provides for registration and
9 notification of convicted sex offenders.

10 This bill would substantially revise the sex
11 offender registration and notification
12 requirements.

13 Under existing law, all sex offenses are not
14 specifically enumerated, and there is no provision
15 addressing crimes that are not sex offenses but
16 where the offender acts with sexual motivation.
17 This bill would include the sex offenses that are
18 omitted in the current law and encompass crimes
19 that are committed with a sexual motivation.

20 Under existing law, sex offenders are
21 required to provide and verify certain information
22 to law enforcement. In addition to current law,
23 this bill would require the sex offender to
24 register each residence where the sex offender
25 resides, the name and address of any school that
26 the sex offender attends, vehicle identifiers,
27 telephone numbers, email addresses and instant

1 message addresses or identifiers used, palm prints,
2 passport and immigration documents, professional
3 licensing information, and full criminal history.

4 This bill would also require adult sex
5 offenders to verify their registration information
6 four times a year.

7 Under existing law, adult sex offenders are
8 required to verify their address prior to release
9 from incarceration.

10 This requirement in the law has been
11 declared unconstitutional by the Alabama Court of
12 Criminal Appeals as applied to indigent homeless
13 sex offenders. This bill would eliminate the
14 existing verification process and require the adult
15 sex offender to register prior to release from
16 incarceration and immediately upon release in the
17 county where the adult sex offender plans to
18 reside, taking the burden off of law enforcement
19 and eliminating the constitutional issue.

20 Under existing law, there are guidelines
21 that provide for the establishment of a residence
22 and for when a sex offender is prohibited from
23 establishing a residence or living accommodation
24 with a minor.

25 This bill would also provide guidelines as
26 to the abandonment of a residence and prohibit the
27 sex offender from establishing a residence with a

1 minor if the offender's sibling was his or her
2 victim or the sex offender was convicted of a crime
3 involving force against a minor.

4 Under existing law, there is no provision
5 for homeless sex offenders.

6 This bill would create registration
7 requirements for homeless sex offenders and close
8 the loophole that is in the current law. Homeless
9 sex offenders would be required to register weekly
10 until a fixed residence is established.

11 Under existing law, certain sex offenders
12 are prohibited from working or living within 2,000
13 feet of a school or daycare.

14 This bill would give judges discretion to
15 reduce or waive the distance restrictions for
16 certain sex offenders who are terminally ill or
17 permanently immobile. This bill would also give
18 judges discretion over certain sex offenders to
19 waive or reduce the employment distance
20 restrictions. Additionally, this bill would
21 establish how those boundaries are to be measured.

22 Under existing law, a sex offender may be
23 declared a sexually violent predator based on a
24 mental abnormality or personality disorder. This
25 bill would base that determination on the sex
26 offender's actions and previous criminal history.

1 Under existing law, judges have discretion
2 to exempt a juvenile or youthful offender from
3 notification if the offender is charged with rape
4 in the second degree.

5 This bill would give judges the discretion
6 to exempt juveniles and certain youthful offenders
7 from registration and notification if the sexual
8 offense was consensual and only a crime due to the
9 ages of the victim and offender.

10 Under existing law, juvenile sex offenders
11 are subject to registration for a period of 10
12 years; the state must petition the court for a
13 hearing on a juvenile sex offender to apply
14 notification, juvenile sex offenders are not
15 subject to any living or working restrictions, and
16 there is no requirement for juveniles who have
17 out-of-state convictions to register in this state.

18 This bill would require certain juvenile sex
19 offenders to register for life with the ability to
20 petition the court for relief after 25 years. This
21 bill would also require the court to hold a hearing
22 on every juvenile sex offender to determine if
23 community notification applies, prohibit juvenile
24 sex offenders from living with their victims until
25 sex offender treatment is complete and
26 reunification is recommended by the treatment
27 provider, prohibit juvenile sex offenders from

1 working with children, and require that
2 out-of-state juvenile sex offenders register upon
3 entering this state.

4 Under existing law, youthful offender sex
5 offenders are treated like juvenile sex offenders.

6 This bill would require youthful offender
7 sex offenders who have attained the age of 18 at
8 the time of the commission of the offense and are
9 convicted of a sex offense to be treated as adult
10 sex offenders.

11 This bill would provide for registration
12 fees, fines, and filing fees.

13 This bill would provide registration
14 requirements for when a sex offender travels.

15 This bill would create a penalty if a sex
16 offender changes or alters his or her
17 identification card issued by the Department of
18 Public Safety.

19 This bill would create guidelines for sex
20 offenders who fail to appear for registration or
21 who abscond.

22 This bill would create the crime of
23 harboring or aiding and abetting a convicted sex
24 offender and provide for penalties.

25 This bill would provide that an order
26 altering, amending, waiving, or suspending the

1 requirements of this act, except as provided by
2 law, shall be null, void, and of no effect.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

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

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to sex offender registration and
2 notification; to repeal Sections 13A-11-200, 13A-11-201, and
3 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code
4 of Alabama 1975, to provide a system for registration by
5 adults and juveniles convicted of certain sex offenses; to
6 provide a system of notification of victims and other members
7 of the general public of information regarding certain sex
8 offenders; to provide residence and employment restrictions
9 for sex offenders; to provide for registration fees; to
10 provide for the duties of clerks of court, magistrates, and
11 judges with regard to sex offenders; and in connection
12 therewith would have as its purpose or effect the requirement
13 of a new or increased expenditure of local funds within the
14 meaning of Amendment 621 of the Constitution of Alabama of
15 1901, now appearing as Section 111.05 of the Official
16 Recompilation of the Constitution of Alabama of 1901, as
17 amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 Section 2. The Legislature makes all of the
23 following findings:

24 (1) Registration and notification laws are a vital
25 concern as the number of sex offenders continues to rise. The
26 increasing numbers coupled with the danger of recidivism place
27 society at risk. Registration and notification laws strive to

1 reduce these dangers by increasing public safety and mandating
2 the release of certain information to the public. This release
3 of information creates better awareness and informs the public
4 of the presence of sex offenders in the community, thereby
5 enabling the public to take action to protect themselves.
6 Registration and notification laws aid in public awareness and
7 not only protect the community but serve to deter sex
8 offenders from future crimes through frequent in-person
9 registration. Frequent in-person registration maintains
10 constant contact between sex offenders and law enforcement,
11 providing law enforcement with priceless tools to aid them in
12 their investigations including obtaining information for
13 identifying, monitoring, and tracking sex offenders.

14 (2) Juvenile sex offenders also pose a risk to the
15 community. Due to juvenile sex offenders offending in their
16 formative years, it is imperative that they receive sex
17 offender treatment. At the completion of sex offender
18 treatment, all juvenile sex offenders must undergo a risk
19 assessment, and a hearing must be held by the court to
20 determine their level of risk to the community and the level
21 of notification that should be provided to best protect the
22 public. Juvenile sex offenders adjudicated delinquent of the
23 most serious offenses who pose a greater threat should be
24 subject to more stringent requirements.

25 (3) Homeless sex offenders are a group of sex
26 offenders who need to be monitored more frequently for the
27 protection of the public. Homeless sex offenders present a

1 growing concern for law enforcement due to their mobility. As
2 the number of homeless sex offenders increases, locating,
3 tracking, and monitoring these offenders becomes more
4 difficult.

5 (4) Sexually violent offenders also cause increased
6 concern for law enforcement. These predators are repeat sexual
7 offenders who use physical violence, offend on multiple
8 victims, and prey on children. Due to their likelihood to
9 engage in future sexually violent behavior, they present an
10 extreme threat to the public safety. The Legislature declares
11 that its intent in imposing additional tracking and monitoring
12 requirements on sexually violent predators is to assist law
13 enforcement in carrying out their duties and, most
14 importantly, to protect the public, especially children.

15 (5) Sex offenders, due to the nature of their
16 offenses, have a reduced expectation of privacy. In balancing
17 the sex offender's rights, and the interest of public safety,
18 the Legislature finds that releasing certain information to
19 the public furthers the primary governmental interest of
20 protecting vulnerable populations, particularly children.
21 Employment and residence restrictions, together with
22 monitoring and tracking, also further that interest. The
23 Legislature declares that its intent in imposing certain
24 registration, notification, monitoring, and tracking
25 requirements on sex offenders is not to punish sex offenders
26 but to protect the public and, most importantly, promote child
27 safety.

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

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

8 (c) This act is applicable to juvenile sex offenders
9 who are adjudicated delinquent pursuant to the Alabama
10 Juvenile Justice Act, Sections 12-15-101 to 12-15-601,
11 inclusive, formerly Sections 12-15-1 to 12-15-176, inclusive,
12 Code of Alabama 1975, of a sex offense as defined in Section
13 5.

14 (d) A juvenile sex offender adjudicated delinquent
15 of a sex offense as defined in Section 5 on or after July 1,
16 2011, shall be subject to this act for the duration of time as
17 provided in Section 28. A juvenile sex offender adjudicated
18 delinquent of a sex offense as defined in Section 5 prior to
19 July 1, 2011, shall be subject to registration and
20 verification pursuant to this act for 10 years from the last
21 date of release on the sex offense subjecting the juvenile sex
22 offender to registration, and the juvenile sex offender shall
23 be subject to notification during the registration period if
24 notification was previously ordered by the sentencing court.

25 (e) This act is applicable to youthful offender sex
26 offenders who are adjudicated as a youthful offender pursuant
27 to the Youthful Offender Act, Sections 15-19-1 to 15-19-7,

1 Code of Alabama 1975, of a sex offense as defined in Section
2 5.

3 (f) A youthful offender sex offender adjudicated as
4 a youthful offender of a sex offense as defined in Section 5
5 on or after July 1, 2011, shall be subject to this act as
6 provided in Section 36. A youthful offender sex offender
7 adjudicated as a youthful offender of a sex offense as defined
8 in Section 5 prior to July 1, 2011, shall be treated as
9 follows:

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

14 (2) If the youthful offender sex offender was
15 previously adjudicated or convicted of a sex offense, he or
16 she shall be treated as an adult sex offender pursuant to
17 subsection (b).

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

20 (1) ADULT SEX OFFENDER. An adult convicted of a sex
21 offense.

22 (2) CHILD. A person who has not attained the age of
23 12.

24 (3) CHILDCARE FACILITY. A licensed child daycare
25 center, a licensed childcare facility, or any other childcare
26 service that is exempt from licensing pursuant to Section

1 38-7-3, Code of Alabama 1975, provided that the childcare
2 service and location are public record.

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

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

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

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

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

1 (9) IMMEDIATELY. Within three business days.

2 (10) IMMEDIATE FAMILY MEMBER. A grandparent, parent,
3 sibling, spouse, child by blood, adoption, or marriage, or
4 grandchild.

5 (11) JURISDICTION. Any state of the United States,
6 any United States territory, the District of Columbia, or any
7 federally recognized Indian tribe.

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

11 (13) LOCAL LAW ENFORCEMENT. The sheriff of the
12 county and the chief of police if the location subject to
13 registration is within the corporate limits of any
14 municipality.

15 (14) MINOR. A person who has not attained the age of
16 18.

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

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

1 (17) REGISTERING AGENCY. Any law enforcement agency
2 where the sex offender registers required registration
3 information.

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

14 (19) REQUIRED REGISTRATION INFORMATION. Any
15 information required pursuant to Section 7.

16 (20) RESIDENCE. Each fixed residence or other place
17 where a person resides, sleeps, or habitually lives or will
18 reside, sleep, or habitually live. If a person does not
19 reside, sleep, or habitually live in a fixed residence,
20 residence means a description of the locations where the
21 person is stationed regularly, day or night, including any
22 mobile or transitory living quarters or locations that have no
23 specific mailing or street address. Residence shall be
24 construed to refer to the places where a person resides,
25 sleeps, habitually lives, or is stationed with regularity,
26 regardless of whether the person declares or characterizes
27 such place as a residence.

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

21 (22) RISK ASSESSMENT. A written report on the
22 assessment of risk for sexually re-offending conducted by a
23 sex offender treatment program approved by the Department of
24 Youth Services. The report shall include, but not be limited
25 to, the following regarding the juvenile sex offender:
26 criminal history, mental status, attitude, previous sexual
27 offender treatment and response to treatment, social factors,

1 conditions of release expected to minimize risk of sexual
2 re-offending, and characteristics of the sex offense.

3 (23) SCHOOL. A licensed or accredited public,
4 private, or church school that offers instruction in grades
5 K-12. The definition does not include a private residence in
6 which students are taught by parents or tutors or any facility
7 dedicated exclusively to the education of adults unless that
8 facility has a childcare facility as defined in subsection
9 (3).

10 (24) SENTENCING COURT. The court of adjudication or
11 conviction.

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

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

18 (27) SEX OFFENDER. Includes any adult sex offender,
19 any youthful offender sex offender, and any juvenile sex
20 offender.

21 (28) SEXUALLY VIOLENT PREDATOR. A person who has
22 been convicted of a sexually violent offense and who is likely
23 to engage in one or more future sexually violent offenses or
24 is likely to engage in future predatory sex offenses.

25 (29) STUDENT. A person who is enrolled in or
26 attends, on a full-time or part-time basis, any public or
27 private educational institution, including a secondary school,

1 trade or professional school, or institution of higher
2 education.

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

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

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

13 (1) Rape in the first degree, as provided by Section
14 13A-6-61, Code of Alabama 1975.

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

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

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

21 (5) Sexual misconduct, as provided by Section
22 13A-6-65, Code of Alabama 1975, provided that on a first
23 conviction or adjudication the sex offender is only subject to
24 registration and verification pursuant to this act. On a
25 second or subsequent conviction or adjudication, if the second
26 or subsequent conviction or adjudication does not arise out of
27 the same set of facts and circumstances as the first

1 conviction, the sex offender shall comply with all
2 requirements of this act.

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

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

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

9 (9) Indecent exposure, as provided by Section
10 13A-6-68, Code of Alabama 1975, provided that on a first
11 conviction or adjudication the sex offender is only subject to
12 registration and verification pursuant to this act. On a
13 second or subsequent conviction or adjudication, if the second
14 or subsequent conviction or adjudication does not arise out of
15 the same set of facts and circumstances as the first
16 conviction, the sex offender shall comply with all
17 requirements of this act.

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

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

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

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

1 (14) Violation of the Alabama Child Pornography Act,
2 as provided by Sections 13A-12-191, 13A-12-192, 13A-12-196, or
3 13A-12-197, Code of Alabama 1975.

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

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

10 (17) Kidnapping in the first degree, as provided by
11 subdivision (4) of subsection (a) of Section 13A-6-43, Code of
12 Alabama 1975, if the intent of the abduction is to violate or
13 abuse the victim sexually.

14 (18) Kidnapping of a minor, except by a parent,
15 guardian, or custodian, as provided by Section 13A-6-43 or
16 13A-6-44, Code of Alabama 1975.

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

19 (20) Transmitting obscene material to a child by
20 computer, as provided by Section 13A-6-111, Code of Alabama
21 1975.

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

25 (22) School employee having sexual contact with a
26 student, as provided by Section 13A-6-82, Code of Alabama
27 1975.

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

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

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

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

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

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

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

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

21 (31) Any offense which is the same as or equivalent
22 to any offense set forth above as the same existed and was
23 defined under the laws of this state existing at the time of
24 such conviction, specifically including, but not limited to,
25 crime against nature, as provided by Section 13-1-110; rape,
26 as provided by Sections 13-1-130 and 13-1-131; carnal
27 knowledge of a woman or girl, as provided by Section 13-1-132

1 through 13-1-135, or attempting to do so, as provided by
2 Section 13-1-136; indecent molestation of children, as defined
3 and provided by Section 13-1-113; indecent exposure, as
4 provided by Section 13-1-111; incest, as provided by Section
5 13-8-3; offenses relative to obscene prints and literature, as
6 provided by Sections 13-7-160 through 13-7-175, inclusive;
7 employing, harboring, procuring or using a girl over 10 and
8 under 18 years of age for the purpose of prostitution or
9 sexual intercourse, as provided by Section 13-7-1; seduction,
10 as defined and provided by Section 13-1-112; a male person
11 peeping into a room occupied by a female, as provided by
12 Section 13-6-6; assault with intent to ravish, as provided by
13 Section 13-1-46; and soliciting a child by computer, as
14 provided by Section 13A-6-110, Code of Alabama 1975.

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

17 (33) Any crime committed in Alabama or any other
18 state, the District of Columbia, any United States territory,
19 or a federal, military, Indian, or foreign country
20 jurisdiction which, if it had been committed in this state
21 under the current provisions of law, would constitute an
22 offense listed in subdivisions (1) to (32).

23 (34) Any offense specified by Title I of the federal
24 Adam Walsh Child Protection and Safety Act of 2006 (Pub. L.
25 109-248, the Sex Offender Registration and Notification Act
26 (SORNA)).

1 (35) Any crime committed in another state, the
2 District of Columbia, any United States territory, or a
3 federal, military, Indian, or foreign country jurisdiction if
4 that jurisdiction also requires that anyone convicted of that
5 crime register as a sex offender in that jurisdiction.

6 (36) Any offender determined in any jurisdiction to
7 be a sex offender shall be considered a sex offender in this
8 state.

9 (37) The foregoing notwithstanding, any crime
10 committed in any jurisdiction which, irrespective of the
11 specific description or statutory elements thereof, is in any
12 way characterized or known as rape, sodomy, sexual assault,
13 sexual battery, criminal sexual conduct, criminal sexual
14 contact, sexual abuse, continuous sexual abuse, sexual
15 torture, solicitation of a child, enticing or luring a child,
16 child pornography, lewd and lascivious conduct, taking
17 indecent liberties with a child, molestation of a child,
18 criminal sexual misconduct, or video voyeurism.

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

22 (39) Any crime not listed in this section involving
23 sexual contact that may be created on or after July 1, 2011.

24 (40) Any other offense not provided for in this
25 section wherein there is a finding of sexual motivation as
26 provided by Section 6.

1 Section 6. (a) The prosecuting attorney may file an
2 allegation of sexual motivation in any criminal case
3 classified as a felony or Class A misdemeanor if sufficient
4 admissible evidence exists that would justify a finding of
5 sexual motivation by a reasonable and objective finder of
6 fact.

7 (b) If the prosecuting attorney files an allegation
8 of sexual motivation, the state shall prove beyond a
9 reasonable doubt that the defendant committed the offense with
10 a sexual motivation.

11 (c) The court shall make a written finding of fact,
12 to be made part of the record upon conviction or adjudication,
13 of whether or not a sexual motivation was present at the time
14 of the commission of the offense unless the defendant has a
15 trial by jury.

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

20 (e) If there is a finding of sexual motivation, the
21 finding shall be made part of the record of conviction.

22 (f) For purposes of this section, sexual motivation
23 means that one of the purposes for which the defendant
24 committed the crime was for the purpose of the sexual
25 gratification of the defendant.

26 (g) This section shall not apply to sex offenses as
27 defined in subdivisions (1) to (39) of Section 5.

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

4 (1) Name, including any aliases, nicknames, ethnic,
5 or Tribal names.

6 (2) Date of birth.

7 (3) Social Security number.

8 (4) Address of each residence.

9 (5) Name and address of any school the sex offender
10 attends or will attend. For purposes of this subdivision, a
11 school includes an educational institution, public or private,
12 including a secondary school, a trade or professional school,
13 or an institution of higher education.

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

17 (7) The license plate number, registration number or
18 identifier, description, and permanent or frequent location
19 where all vehicles are kept for any vehicle used for work or
20 personal use, including land vehicles, aircraft, and
21 watercraft.

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

24 (9) Any email addresses or instant message address
25 or identifiers used, including any designations or monikers
26 used for self-identification in Internet communications or
27 postings.

1 (10) A current photograph.

2 (11) A physical description of the sex offender
3 including physical appearance, physical characteristics, and
4 identifying marks such as scars and tattoos.

5 (12) Fingerprints and palm prints.

6 (13) A DNA sample. The DNA sample may be collected
7 by the probation officer, sheriff, chief of police, or other
8 responsible agency and shall immediately be forwarded by the
9 entity collecting the sample to the Department of Forensic
10 Sciences.

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

13 (15) A photocopy of any and all passport and
14 immigration documents.

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

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

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

24 (b) The registering agency is not required to obtain
25 any of the following information each time the sex offender
26 verifies his or her required registration information if the

1 registering agency verifies the information has already been
2 collected and has not been changed or altered:

3 (1) A current photograph.

4 (2) Fingerprints or palm prints.

5 (3) A DNA sample.

6 (4) A photocopy of the valid driver license or
7 identification card.

8 (5) A photocopy of any and all passport and
9 immigration documents.

10 (c) The registration information shall be
11 transmitted to the Department of Public Safety in a manner
12 determined by the director of the department.

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 43.

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

4 Section 8. (a) All of the following registration
5 information shall be provided on the public registry website
6 maintained by the Department of Public Safety and may be
7 provided on any community notification documents:

8 (1) Name, including any aliases, nicknames, ethnic,
9 or Tribal names.

10 (2) Address of each residence.

11 (3) Address of any school the sex offender attends
12 or will attend. For purposes of this subdivision, a school
13 includes an educational institution, public or private,
14 including a secondary school, a trade or professional school,
15 or an institution of higher education.

16 (4) Address of any employer where the sex offender
17 works or will work, including any transient or day laborer
18 information.

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

22 (6) A current photograph.

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

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

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

4 (10) Status of the sex offender, including whether
5 the sex offender has absconded.

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

9 (1) Criminal history of any arrests not resulting in
10 conviction.

11 (2) Social Security number.

12 (3) Travel and immigration document numbers.

13 (4) Victim identity.

14 (5) Internet identifiers.

15 (c) Any other required registration information may
16 be included on the website as determined by the Director of
17 the Department of Public Safety.

18 (d) All information shall immediately be posted on
19 the public registry website upon receipt of the information by
20 the Department of Public Safety.

21 (e) The website shall include field search
22 capabilities to search for sex offenders by name, city, county
23 or town, zip code, or geographic radius.

24 (f) The website shall include links to sex offender
25 safety and education resources.

1 (g) The website shall include instructions on how to
2 seek correction of information that a person contends is
3 erroneous.

4 (h) The website shall include a warning that
5 information on the site should not be used to unlawfully
6 injure, harass, or commit a crime against any person named in
7 the registry or residing or working at any reported address
8 and that any such action may result in civil or criminal
9 penalties.

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

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

26 (2) If the adult sex offender declares his or her
27 intent to reside within this state, the responsible agency

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

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

24 (4) If an adult sex offender is not able to provide
25 a residence prior to the time of release, then the responsible
26 agency shall notify the sheriff of the county where the last
27 conviction for a sex offense or violation of this act took

1 place at least five days prior to the release of the adult sex
2 offender. Upon notice of the release date from the responsible
3 agency, the sheriff of the county of the last conviction for a
4 sex offense or a violation of this act shall make arrangements
5 to have the adult sex offender immediately remanded to his or
6 her custody to register in accordance with Section 10 at the
7 time of release.

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

12 a. If the adult sex offender has not accumulated any
13 incentive time pursuant to Section 14-9-41 of the Code of
14 Alabama 1975, or any other law, he or she shall be charged
15 with violating this section. At least five days prior to his
16 or her release date, the Department of Corrections shall
17 notify the sheriff in the county where the last conviction for
18 a sex offense or violation of this act took place, which
19 county shall be the proper venue for arrest and prosecution of
20 violation of this section. Upon notice of the release date,
21 the sheriff from the county of the last conviction for a sex
22 offense or violation of this act shall make arrangements to
23 have the adult sex offender immediately remanded to his or her
24 custody at the time of release. Any adult sex offender charged
25 with violating this section may only be released on bond on
26 the condition that the adult sex offender is in compliance
27 with this section before being released.

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

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

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

19 (2) An adult sex offender who registers pursuant to
20 subdivision (1) shall have 7 days from release to comply with
21 the residence restrictions pursuant to subsection (a) of
22 Section 11.

23 (b) Immediately upon establishing a new residence,
24 accepting employment, or beginning school attendance, the
25 adult sex offender shall appear in person to register with
26 local law enforcement in each county in which the adult sex

1 offender establishes a residence, accepts employment, or
2 begins school attendance.

3 (c) (1) Immediately upon transferring or terminating
4 any residence, employment, or school attendance, the adult sex
5 offender shall appear in person to notify local law
6 enforcement in each county in which the adult sex offender is
7 transferring or terminating residence, employment, or school
8 attendance.

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

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

25 (e) Upon changing any required registration
26 information the adult sex offender shall immediately appear in

1 person and update the information with local law enforcement
2 in each county in which the adult sex offender resides.

3 (f) An adult sex offender shall appear in person to
4 verify all required registration information during the adult
5 sex offender's birth month and every three months thereafter,
6 regardless of the month of conviction, for the duration of the
7 adult sex offender's life with local law enforcement in each
8 county in which the adult sex offender resides.

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

18 (h) For purposes of this section, a school includes
19 an educational institution, public or private, including a
20 secondary school, a trade or professional school, or an
21 institution of higher education.

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

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

1 Section 11. (a) No adult sex offender shall
2 establish a residence, maintain a residence after release or
3 conviction, or establish any other living accommodation within
4 2,000 feet of the property on which any school or childcare
5 facility is located unless otherwise exempted pursuant to
6 Sections 23 and 24.

7 (b) No adult sex offender shall establish a
8 residence, maintain a residence after release or conviction,
9 or establish any other living accommodation within 2,000 feet
10 of the property on which his or her former victim, or an
11 immediate family member of the victim, resides unless
12 otherwise exempted pursuant to Section 24.

13 (c) Changes to property within 2,000 feet of a
14 registered address of an adult sex offender which occur after
15 the adult sex offender establishes residency shall not form
16 the basis for finding that the adult sex offender is in
17 violation of this section.

18 (d) No adult sex offender shall establish or
19 maintain a residence or any other living accommodation with a
20 minor. For the purpose of this subsection, living
21 accommodation includes, but is not limited to, any overnight
22 visit with a minor. Notwithstanding the foregoing, an adult
23 sex offender may reside with a minor if the adult sex offender
24 is the parent, grandparent, stepparent, sibling, or
25 stepsibling of the minor, unless one of the following
26 conditions applies:

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

4 (2) The adult sex offender has been convicted of any
5 sex offense in which any of the minor children, grandchildren,
6 stepchildren, siblings, or stepsiblings of the adult sex
7 offender was the victim.

8 (3) The adult sex offender has been convicted of any
9 sex offense in which a minor was the victim and the minor
10 resided or lived with the adult sex offender at the time of
11 the offense.

12 (4) The adult sex offender has been convicted of any
13 sex offense involving a child, regardless of whether the adult
14 sex offender was related to or shared a residence with the
15 child victim.

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

19 (e) Notwithstanding any other provision of law
20 regarding establishment of residence, an adult sex offender
21 shall be deemed to have established a residence in any of the
22 following circumstances:

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

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

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

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

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

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

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

18 Section 12. (a) An adult sex offender who no longer
19 has a fixed residence shall be considered homeless and shall
20 appear in person and report such change in fixed residence to
21 local law enforcement where he or she is located immediately
22 upon such change in fixed residence.

23 (b) In addition to complying with the registration
24 and verification requirements pursuant to Section 10, a
25 homeless adult sex offender who lacks a fixed residence, or
26 who does not provide an address at a fixed residence at the
27 time of release or registration, shall report in person once

1 every seven days to local law enforcement where he or she
2 resides. The weekly report shall be on a day specified by
3 local law enforcement and shall occur during normal business
4 hours.

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

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

11 a. Name.

12 b. Date of birth.

13 c. Social Security number.

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

16 e. A list of the locations where he or she plans to
17 reside in the upcoming week with as much specificity as
18 possible.

19 (2) The registering agency is not required to obtain
20 the remaining required registration information from the
21 homeless adult sex offender each time he or she reports to the
22 registering agency unless the homeless adult sex offender has
23 any changes to the remaining required registration
24 information.

25 (e) If an adult sex offender who was homeless
26 obtains a fixed address in compliance with the provisions of
27 Section 11, the adult sex offender shall immediately appear in

1 person to update the information with local law enforcement in
2 each county of residence.

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

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

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

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

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

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

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

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

10 Section 14. (a) Any adult sex offender who enters
11 this state and establishes a residence shall immediately
12 appear in person and register all required registration
13 information with local law enforcement in the county of
14 residence.

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

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

25 (d) Within 30 days of initial registration, the
26 adult sex offender shall provide each registering agency with
27 a certified copy of his or her conviction; however, an adult

1 sex offender shall be exempt from this subsection if the adult
2 sex offender provides adequate documentation that the
3 certified record is no longer available or has been destroyed.

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

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

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

15 (c) If the adult sex offender intends to travel to
16 another country, he or she shall report in person to local law
17 enforcement in each county of residence at least 21 days prior
18 to such travel. Any information reported to local law
19 enforcement in each county of residence shall immediately be
20 reported to the United States Marshals Service and the
21 Department of Public Safety.

22 (d) The travel permit shall explain the duties of
23 the adult sex offender regarding travel. The adult sex
24 offender shall sign the travel permit stating that he or she
25 understands the duties required of him or her. If the adult
26 sex offender refuses to sign the travel permit form, the
27 travel permit shall be denied.

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

5 (f) Upon return to the county of residence, the
6 adult sex offender shall immediately report to local law
7 enforcement in each county of residence.

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

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

12 Section 16. (a) No adult sex offender shall contact,
13 directly or indirectly, in person or through others, by phone,
14 mail, or electronic means, any former victim. No sex offender
15 shall make any harassing communication, directly or
16 indirectly, in person or through others, by phone, mail, or
17 electronic means to any immediate family member of the victim.

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

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

22 Section 17. (a) No adult sex offender, after having
23 been convicted of a sex offense involving a minor, shall
24 loiter on or within 500 feet of the property line of any
25 property on which there is a school, childcare facility,
26 playground, park, athletic field or facility, school bus stop,
27 college or university, or any other business or facility

1 having a principal purpose of caring for, educating, or
2 entertaining minors.

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

16 (c) For purposes of this section, a school bus stop
17 is any location where a motor vehicle owned or operated by or
18 on behalf of a public or private school stops on a regular
19 basis for the purpose of transporting children to and from
20 school.

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

23 Section 18. (a) Every adult sex offender who is a
24 resident of this state shall obtain, and always have in his or
25 her possession, a valid driver license or identification card
26 issued by the Department of Public Safety. If any adult sex
27 offender is ineligible to be issued a driver license or

1 official identification card, the Department of Public Safety
2 shall provide the adult sex offender some other form of
3 identification card or documentation that, if it is kept in
4 the possession of the adult sex offender, shall satisfy the
5 requirements of this section. If any adult sex offender is
6 determined to be indigent, an identification card, or other
7 form of identification or documentation that satisfies the
8 requirements of this section, shall be issued to the adult sex
9 offender at no cost. Indigence shall be determined by order of
10 the court prior to each issuance of a driver license or
11 identification card.

12 (b) The adult sex offender shall immediately obtain
13 a valid driver license or identification card upon his or her
14 initial registration following release, initial registration
15 upon entering the state to become a resident, or immediately
16 following his or her next registration after July 1, 2011.

17 (c) Whenever the Department of Public Safety issues
18 or renews a driver license or identification card to an adult
19 sex offender, the driver license or identification card shall
20 bear a designation that enables law enforcement officers to
21 identify the licensee as a sex offender.

22 (d) Upon obtaining or renewing a driver license or
23 identification card bearing a designation that enables law
24 enforcement officers to identify the licensee as a sex
25 offender, the adult sex offender shall relinquish to the
26 Department of Public Safety any other driver license or
27 identification card previously issued to him or her which does

1 not bear any designation enabling law enforcement officers to
2 identify the licensee as a sex offender.

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

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

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

22 (b) At sentencing, a court may declare a person to
23 be a sexually violent predator. For the purposes of this
24 section, a person is a sexually violent predator if either of
25 the following applies:

26 (1) The person is a repeat sexually violent
27 offender.

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

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

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

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

13 (2) A sex offense involving a child.

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

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

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

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

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

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

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

9 (3) Available information or evidence suggests that
10 the person chronically commits offenses with a sexual
11 motivation.

12 (4) The person has committed one or more offenses in
13 which the person has tortured or engaged in ritualistic acts
14 with one or more victims.

15 (5) The person has committed one or more sex
16 offenses in which one or more victims were physically harmed
17 to the degree that the particular victim's life was in
18 jeopardy.

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

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

24 (g) Any sex offender determined in any other state
25 to be a sexually violent predator shall be considered a
26 sexually violent predator in this state.

1 (h) A sexually violent predator, as a condition of
2 the sex offender's release from incarceration, shall be
3 subject to electronic monitoring and be required to pay the
4 costs of such monitoring, as set forth in Section 20, for a
5 period of no less than 10 years from the date of the sexually
6 violent predator's release. This requirement shall be imposed
7 by the sentencing court as a part of the sexually violent
8 predator's sentence, as provided in subsection (c) of Section
9 13A-5-6, Code of Alabama 1975, and Section 20.

10 Section 20. (a) The Alabama Criminal Justice
11 Information Center shall implement a system of active and
12 passive electronic monitoring that identifies the location of
13 a monitored person and that can produce upon request reports
14 or records of the person's presence near or within a crime
15 scene or prohibited area, the person's departure from
16 specified geographic limitations, or curfew violations by the
17 offender. The Director of the Criminal Justice Information
18 Center may promulgate any rules as are necessary to implement
19 and administer this system of active electronic monitoring
20 including establishing policies and procedures to notify the
21 person's probation and parole officer or other court-appointed
22 supervising authority when a violation of his or her
23 electronic monitoring restrictions has occurred.

24 (b) The Board of Pardons and Paroles or a court may
25 require, as a condition of release on parole, probation,
26 community corrections, court referral officer supervision,
27 pretrial release, or any other community-based punishment

1 option, that any person charged or convicted of a sex offense
2 be subject to electronic monitoring as provided in subsection
3 (a).

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

13 (d) Any person convicted of a Class A felony sex
14 offense involving a child as defined in Section 4, upon
15 release from incarceration, shall be subject to electronic
16 monitoring supervised by the Board of Pardons and Paroles, as
17 provided in subsection (a), for a period of no less than 10
18 years from the date of the sex offender's release. This
19 requirement shall be imposed by the sentencing court as a part
20 of the sex offender's sentence in accordance with subsection
21 (c) of Section 13A-5-6, Code of Alabama 1975.

22 (e) Anyone subject to electronic monitoring pursuant
23 to this section, unless he or she is indigent, shall be
24 required to reimburse the supervising entity a reasonable fee
25 to defray supervision costs. The Board of Pardons and Paroles,
26 the sentencing court, or other supervising entity shall
27 determine the amount to be paid based on the financial means

1 and ability to pay of the person, but such amount shall not
2 exceed fifteen dollars (\$15) per day.

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

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

11 (h) The procurement of any product or services
12 necessary for compliance with Act 2005-301, including any
13 system of electronic monitoring, any equipment, and the
14 building of a website, shall be subject to the competitive bid
15 process.

16 Section 21. (a) Immediately upon the release of an
17 adult sex offender or immediately upon notice of where the
18 adult sex offender plans to establish, or has established a
19 residence, the following procedures shall apply:

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

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

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

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

1 newspaper, posting electronically, including the Internet, or
2 other means available.

3 (c) Nothing in this act shall be construed as
4 prohibiting the Director of the Department of Public Safety, a
5 sheriff, or a chief of police from providing community
6 notification under the provisions of this act by regular mail,
7 electronically, or by publication or periodically to persons
8 whose legal residence is within the guidelines of this act or
9 more than the applicable distance from the residence of an
10 adult sex offender.

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

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

21 (c) If, at the time of registration, the adult sex
22 offender is unable to pay the registration fee, the
23 registering agency may require the adult sex offender to pay
24 the fee in installments not to exceed 90 days. The registering
25 agency shall waive the registration fee if the adult sex
26 offender has an order from the court declaring his or her
27 indigence. In the event the adult sex offender is determined

1 to be indigent, a periodic review of the adult sex offender's
2 indigent status shall be conducted by the court to determine
3 if the offender is no longer indigent. Further, if the
4 offender is determined to be indigent by the sentencing court,
5 nothing in this act shall prohibit the offender from being
6 placed on a payment plan where the entire fee is collected in
7 total.

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

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

18 Section 23. (a) A sex offender required to register
19 under this act may petition the court for relief from the
20 residency restriction pursuant to subsection (a) of Section 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 circuit court of the county in which the
25 sex offender seeks relief from the residency restriction.

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

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

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

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

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

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

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

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

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

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

24 (5) A release allowing the prosecuting attorney or
25 the court to obtain any other medical records or documentation
26 relevant to the petition.

1 (6) Any other information requested by the court
2 relevant to the petition.

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

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

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

23 (h) The court shall send a copy of any order
24 releasing a sex offender from any residency restrictions
25 pursuant to subsection (a) of Section 11 to the prosecuting
26 attorney and the Department of Public Safety.

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

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

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

16 (l) No sex offender petitioning the court under this
17 section for an order terminating the sex offender's obligation
18 to comply with the residency restrictions is entitled to
19 court-appointed counsel, publicly funded experts, or publicly
20 funded witnesses.

21 (m) The state may petition the court to reinstate
22 the restrictions pursuant to subsection (a) of Section 11 for
23 good cause shown.

24 (n) Notwithstanding any state or local rule
25 assigning costs and fees for filing and processing civil and
26 criminal cases, a petition filed 30 or more days after
27 sentencing shall be assessed a filing fee in the amount of two

1 hundred dollars (\$200) to be distributed as provided in
2 Section 47.

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

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

9 Section 24. (a) At disposition, sentencing, upon
10 completion of probation, or upon completion of a term of
11 registration ordered by the sentencing court, a sex offender
12 may petition the sentencing court for relief from registration
13 and notification resulting from any of the following offenses,
14 provided that he or she meets the requirements set forth in
15 subsection (b):

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

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

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

25 (4) Sexual misconduct, as provided by Section
26 13A-6-65, Code of Alabama 1975.

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

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

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

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

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

14 (3) At the time of the commission of the sex
15 offense, the sex offender was not more than four years older
16 than the victim.

17 (c) The petition for relief shall be filed as
18 follows:

19 (1) If the sex offender was adjudicated or convicted
20 in this state, the petition for relief shall be filed in the
21 circuit court of the county in which the sex offender was
22 adjudicated or convicted.

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

1 (d) (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 where the
7 sex offender resides.

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 adult sex
12 offender resides.

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

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

21 (2) A certified copy of the adjudication or
22 conviction requiring registration including a detailed
23 description of the sex offense, if the petition is filed upon
24 completion of probation or a term of registration.

25 (3) Proof of the age of the victim and the age of
26 the sex offender at the time of the commission of the sex
27 offense.

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

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

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

10 (f) 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 (g) 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 (h) In determining whether to grant relief, the
19 court may consider any of the following:

20 (1) Recommendations from the sex offender's
21 probation officer, including, but not limited to, the
22 recommendations in the presentence investigation report and
23 the sex offender's compliance with supervision requirements.

24 (2) Recommendations from the prosecuting attorney.

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

1 (4) The facts and circumstances surrounding the
2 offense.

3 (5) The relationship of the parties.

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

5 (7) The protection of society.

6 (8) Any other information deemed relevant by the
7 court.

8 (i) The court may grant full or partial relief from
9 this act. If the court grants relief, the court shall enter an
10 order detailing the relief granted and provide a copy of the
11 order to the prosecuting attorney and the Department of Public
12 Safety.

13 (j) If the court denies the petition, the sex
14 offender may not petition the court again until 12 months
15 after the date of the order denying the petition.

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

21 (l) If a sex offender was adjudicated or convicted
22 of any of the offenses specified in subsection (a) prior to
23 July 1, 2011, and meets the eligibility requirements specified
24 in subsection (b), the sex offender may petition the court for
25 relief pursuant to this section.

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

1 criminal cases, a petition filed 30 or more days after
2 sentencing shall be assessed a filing fee in the amount of two
3 hundred dollars (\$200) to be distributed as provided in
4 Section 47.

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

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

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

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

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

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

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

25 (5) Sexual torture, as provided by Section
26 13A-6-65.1, Code of Alabama 1975.

27 (6) Any sex offense involving a child.

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

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

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

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

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

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

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

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

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

24 (1) A certified copy of the adjudication or
25 conviction requiring registration, including a detailed
26 description of the sex offense, if the petition is filed after
27 sentencing.

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

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

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

10 (5) Justification as to why the court should grant
11 relief.

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

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

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

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

24 (1) The nature of the offense.

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

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

1 (4) Any other information deemed relevant by the
2 court.

3 (g) If the court grants the petition, the court
4 shall enter an order detailing the relief granted and provide
5 a copy of the order to the prosecuting attorney where the
6 petition was filed and to the Department of Public Safety.

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

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

15 (j) Notwithstanding any state or local law or rule
16 assigning costs and fees for filing and processing civil and
17 criminal cases, a petition filed 30 or more days after
18 sentencing shall be assessed a filing fee in the amount of two
19 hundred dollars (\$200) to be distributed as provided in
20 Section 47.

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

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

1 Section 26. (a) Upon adjudication of delinquency for
2 a sex offense, a juvenile sex offender shall be required to
3 receive sex offender treatment by a licensed sex offender
4 treatment program.

5 (b) Upon completion of sex offender treatment, the
6 juvenile sex offender shall be required to undergo a sex
7 offender risk assessment. The treatment provider shall provide
8 a copy of the risk assessment to the sentencing court, the
9 prosecuting attorney, and the juvenile probation officer not
10 less than 60 days prior to the projected release of the
11 juvenile sex offender.

12 (c) Upon receiving the risk assessment, the juvenile
13 probation officer shall immediately notify the attorney for
14 the juvenile sex offender and either the parent, guardian, or
15 custodian of the juvenile sex offender of the pending release
16 of the juvenile sex offender and provide them with a copy of
17 the risk assessment.

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

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

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

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

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

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

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

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

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

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

26 (7) The level of planning and participation in the
27 offense.

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

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

4 (10) The response to treatment of the juvenile sex
5 offender.

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

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

10 (13) The protection of society.

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

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

15 (1) If the risk of re-offense is low, notification
16 that the juvenile sex offender will be establishing or has
17 established his or her residence shall be provided by local
18 law enforcement to the principal of the school where the
19 juvenile sex offender will attend after release. This
20 notification shall include the name, actual living address,
21 date of birth of the juvenile sex offender, and a statement of
22 the sex offense for which he or she has been adjudicated
23 delinquent, including the age and gender of the victim. This
24 information shall be considered confidential by the school and
25 be shared only with the teachers and staff with supervision
26 over the juvenile sex offender. Whomever, except as
27 specifically provided herein, directly or indirectly discloses

1 or makes use of or knowingly permits the use of information
2 concerning a juvenile sex offender described in this section,
3 upon conviction thereof, shall be guilty of a Class A
4 misdemeanor within the jurisdiction of the juvenile court.

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

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

18 (c) The sentencing court shall enter an order
19 stating whether the juvenile sex offender shall be subject to
20 notification and the level of notification that shall be
21 applied. The court shall provide a copy of the order to the
22 prosecuting attorney and to the Department of Public Safety.

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

25 Section 28. (a) A juvenile adjudicated delinquent of
26 any of the following sex offenses, who was 14 or older at the

1 time of the offense, shall be subject to registration and
2 notification, if applicable, for life:

3 (1) Rape in the first degree, as provided by Section
4 13A-6-61, Code of Alabama 1975.

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

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

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

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

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

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

21 (b) A juvenile sex offender subject to lifetime
22 registration may petition the court for relief from
23 registration and notification, if notification was ordered, 25
24 years after the juvenile sex offender is released from the
25 offense subjecting the juvenile sex offender to registration
26 in accordance with this act, pursuant to Section 35.

1 (c) A juvenile sex offender who has been adjudicated
2 delinquent of any sex offense, excluding those listed in
3 subsection (a) of this section, shall be subject to this act
4 for a period of 10 years from the last date of release from
5 the offense subjecting the juvenile sex offender to
6 registration in accordance with this act.

7 (d) If a juvenile sex offender required to register
8 under this act is civilly committed, hospitalized, or
9 re-incarcerated for another offense or, as the result of
10 having violated the terms of probation, parole, or aftercare,
11 fails to register or fails to comply with the requirements of
12 this act, the registration requirements and the remaining
13 period of time for which the juvenile sex offender shall
14 register shall be tolled during the period of commitment,
15 hospitalization, re-incarceration, or noncompliance.

16 (e) The sentencing court or the juvenile court where
17 the juvenile sex offender resides, if the juvenile sex
18 offender's adjudication of delinquency occurred in another
19 jurisdiction, may give a juvenile sex offender credit for the
20 time the juvenile sex offender was registered in another
21 jurisdiction.

22 (f) A juvenile sex offender who is subsequently
23 adjudicated as a youthful offender sex offender or convicted
24 of another sex offense during his or her registration period
25 shall be considered solely an adult sex offender.

26 Section 29. (a) Immediately prior to the release of
27 a juvenile sex offender, the following shall apply:

1 (1) The responsible agency shall require the
2 juvenile sex offender and the parent, custodian, or guardian
3 of the juvenile sex offender to provide the required
4 registration information.

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

16 (3) If the parent, guardian, or custodian of the
17 juvenile sex offender declares a residence within this state,
18 the responsible agency shall immediately notify the Department
19 of Public Safety, and local law enforcement in each county, in
20 which the parent, guardian, or custodian of the juvenile sex
21 offender has declared the residence. The notification shall
22 include all information available to the responsible agency
23 that would be necessary to identify and trace the juvenile sex
24 offender, including, but not limited to, the risk assessment
25 and a current photograph of the juvenile sex offender.

26 (b) When a juvenile sex offender becomes the age of
27 majority, the parent, guardian, or custodian of the juvenile

1 sex offender shall no longer be subject to this section and
2 the juvenile sex offender shall instead be subject to, and
3 solely responsible for, all requirements pursuant to this
4 section.

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

7 Section 30. (a) Immediately upon release or
8 immediately upon adjudication of delinquency if the juvenile
9 sex offender is not committed, the juvenile sex offender and
10 the parent, custodian, or guardian shall register all required
11 registration information with local law enforcement in each
12 county in which the juvenile sex offender resides or intends
13 to reside.

14 (b) Whenever a juvenile sex offender establishes a
15 new residence, the juvenile sex offender and the parent,
16 custodian, or guardian of the juvenile sex offender shall
17 immediately appear in person to register all required
18 registration information with local law enforcement in each
19 county of residence.

20 (c) If the parent, custodian, or guardian of a
21 juvenile sex offender transfers or terminates the residence of
22 the juvenile sex offender, or the custody of the juvenile sex
23 offender is changed to a different parent, custodian, or
24 guardian resulting in a transfer of residence, the original
25 parent, custodian, or guardian with custody shall immediately
26 notify local law enforcement in each county of residence.

1 (d) Whenever a juvenile sex offender changes any
2 required registration information, the juvenile sex offender
3 and the parent, custodian, or guardian of the juvenile sex
4 offender shall immediately appear in person to update the
5 required registration information with local law enforcement
6 in each county in which the juvenile sex offender resides.

7 (e) A juvenile sex offender required to register for
8 life pursuant to Section 28 shall appear in person with his or
9 her parent, custodian, or guardian to verify all required
10 registration information during the birth month of the
11 juvenile sex offender and every three months thereafter with
12 the local law enforcement in each county of residence unless
13 the juvenile sex offender has been relieved from registration
14 requirements pursuant to Section 35.

15 (f) A juvenile sex offender required to register for
16 10 years pursuant to Section 28 shall appear in person with
17 his or her parent, custodian, or guardian to verify all
18 required registration information during the birth month of
19 the juvenile sex offender and every year thereafter with local
20 law enforcement in each county of residence unless the
21 juvenile sex offender has been relieved from registration
22 requirements pursuant to Section 24.

23 (g) At the time of registration, the juvenile sex
24 offender shall be provided a form explaining all duties and
25 any restrictions placed on the juvenile sex offender. The
26 juvenile sex offender and the parent, custodian, or guardian
27 of the juvenile sex offender shall read and sign this form

1 stating that he or she understands the duties and restrictions
2 placed on the juvenile sex offender and his or her parent,
3 custodian, or guardian.

4 (h) When a juvenile sex offender becomes the age of
5 majority, the parent, custodian, or guardian of the juvenile
6 sex offender shall no longer be subject to the requirements of
7 this section, and the juvenile sex offender shall instead be
8 subject to, and solely responsible for, the requirements in
9 this section.

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

12 Section 31. (a) No juvenile sex offender shall
13 maintain or establish a residence or living accommodation with
14 his or her victim.

15 (b) A parent, guardian, or custodian who allows a
16 juvenile sex offender to maintain or establish a living
17 accommodation with his or her victim shall be guilty of
18 violating this section.

19 (c) For the purposes of this section, a living
20 accommodation includes, but is not limited to, any overnight
21 visit with the victim.

22 (d) A juvenile sex offender may petition the court
23 for relief from this section if sex offender treatment has
24 been successfully completed and a recommendation for
25 reunification has been made by the sex offender treatment
26 provider.

27 (e) The petition shall be filed as follows:

1 (1) If the juvenile sex offender was adjudicated
2 delinquent of a sex offense in this state, the petition shall
3 be filed in the juvenile court of the county in which the
4 juvenile sex offender was adjudicated delinquent.

5 (2) If the juvenile sex offender was adjudicated
6 delinquent of a sex offense in a jurisdiction outside of this
7 state, the petition shall be filed in the juvenile court of
8 the county in which the juvenile sex offender resides.

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

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

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

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

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

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

24 (g) The petition and documentation to support the
25 petition shall include documentation from the treatment
26 provider regarding reunification.

1 (h) The court shall hold a hearing prior to ruling
2 on the petition.

3 (i) At the hearing the prosecuting attorney and the
4 victim shall have the opportunity to be heard.

5 (j) The court may issue an order granting relief
6 from the residency restriction pursuant to this section if the
7 court finds by clear and convincing evidence that the juvenile
8 sex offender does not pose a substantial risk of perpetrating
9 any future dangerous sex offense or that the juvenile sex
10 offender is not likely to reoffend.

11 (k) If the court grants the petition for relief, the
12 court shall enter an order detailing the relief granted and
13 provide a copy of the order to the prosecuting attorney of the
14 jurisdiction where the petition was filed, the Board of
15 Pardons and Paroles, if the juvenile sex offender is on
16 probation or parole, and the Department of Public Safety.

17 (l) If a juvenile sex offender seeks relief from the
18 court pursuant to this section, the enforcement of this act
19 shall not be stayed pending a ruling of the court.

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

23 Section 32. (a) During the time a juvenile sex
24 offender is subject to the registration requirements of this
25 act, the juvenile sex offender shall not apply for, accept, or
26 maintain employment or vocation, or volunteer for any
27 employment or vocation at any school, childcare facility, or

1 any other organization that provides services primarily to
2 children.

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

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

9 Section 33. (a) A juvenile sex offender or youthful
10 offender sex offender, or equivalent thereto, shall
11 immediately appear in person and register all required
12 registration information upon establishing a residence in this
13 state with local law enforcement in each county where the
14 juvenile sex offender or youthful offender sex offender
15 resides or intends to reside.

16 (b) Within 30 days of initial registration, the
17 juvenile sex offender or youthful offender sex offender shall
18 provide each registering agency with a certified copy of his
19 or her adjudication; however, a juvenile sex offender or
20 youthful offender sex offender shall be exempt under this
21 subsection if the court of adjudication seals the records and
22 refuses to provide a certified copy or the records have been
23 destroyed by the court.

24 (c) Whenever a juvenile sex offender registers
25 pursuant to this act, he or she shall be subject to the
26 requirements of this act as it applies to juvenile sex
27 offenders in this state.

1 (d) Whenever a youthful offender sex offender, or
2 equivalent thereto, registers pursuant to this act he or she
3 shall be subject to the requirements of this act as it applies
4 to youthful offender sex offenders in this state.

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

7 Section 34. Notwithstanding any other provision of
8 law, the court records of juvenile sex offenders are to be
9 retained, either in paper format or electronically, and not to
10 be destroyed for a period of 75 years from the date of
11 adjudication.

12 Section 35. (a) A juvenile sex offender subject to
13 lifetime registration pursuant to Section 28 may file a
14 petition requesting the court to enter an order relieving the
15 juvenile sex offender of the requirements pursuant to this act
16 25 years after the juvenile sex offender is released from the
17 custody of the Department of Youth Services or sentenced, if
18 the juvenile sex offender was placed on probation, for the sex
19 offense requiring registration pursuant to this act.

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

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

25 (2) If the juvenile sex offender was adjudicated
26 delinquent of a sex offense in a jurisdiction outside of this

1 state, the petition shall be filed in the juvenile court of
2 the county in which the juvenile sex offender resides.

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

5 a. The prosecuting attorney in the county of
6 adjudication, if the juvenile sex offender was adjudicated
7 delinquent in this state.

8 b. The prosecuting attorney of the county in which
9 the juvenile sex offender resides.

10 c. Local law enforcement where the juvenile sex
11 offender was adjudicated delinquent, if the juvenile sex
12 offender was adjudicated delinquent in this state.

13 d. Local law enforcement where the juvenile sex
14 offender resides.

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

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

20 (1) A certified copy of the adjudication of
21 delinquency requiring registration.

22 (2) Documentation of the juvenile sex offender's
23 release date or sentencing date if the juvenile sex offender
24 was placed on probation.

25 (3) Evidence that the juvenile sex offender has
26 completed a treatment program approved by the Department of
27 Youth Services.

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

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

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

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

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

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

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

1 (3) Recommendations from the prosecuting attorney.

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

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

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

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

15 (8) The protection of society.

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

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

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

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

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

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

9 (l) Notwithstanding any state or local law or rule
10 assigning costs and fees for filing and processing civil and
11 criminal cases, the fee for filing the petition for relief
12 shall be two hundred dollars (\$200) to be distributed as
13 provided in Section 47.

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

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

20 Section 36. For the purposes of this act, 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 shall be considered a juvenile sex offender. A
24 youthful offender sex offender who has been previously
25 adjudicated or convicted of a sex offense as a juvenile sex
26 offender, youthful offender sex offender, or adult sex
27 offender, or who has attained the age of 18 shall be treated

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

7 Section 37. (a) No sex offender shall change his or
8 her name unless the change is incident to a change in the
9 marital status of the sex offender or is necessary to effect
10 the exercise of the religion of the sex offender. Such a
11 change shall be immediately reported to local law enforcement
12 in each county in which the sex offender is required to
13 register. If the sex offender is subject to the notification
14 provision of this act, the reporting of a name change under
15 this section shall invoke notification.

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

18 Section 38. (a) When a county is notified that a sex
19 offender intends to reside, be employed, or attend school in
20 its county and the sex offender fails to appear for
21 registration upon entering that county as required, the
22 sheriff of the county that received the notice shall
23 immediately inform the sheriff of the county that provided the
24 notice that the sex offender failed to appear for registration
25 as required.

26 (b) When a sex offender fails to register or cannot
27 be located, an effort shall immediately be made by the sheriff

1 in the county in which the sex offender failed to register or
2 is unable to be located to determine whether the sex offender
3 has absconded.

4 (c) If no determination can be made as to whether
5 the sex offender has absconded, the sheriff of the county in
6 which the sex offender failed to appear for registration shall
7 immediately notify the Department of Public Safety and the
8 United States Marshals Service that the sex offender cannot be
9 located and provide any information available to determine
10 whether the sex offender absconded to the United States
11 Marshals Service.

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

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

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

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

23 (4) The Department of Public Safety shall
24 immediately notify the Criminal Justice Information Center,
25 who shall immediately notify the National Criminal Information
26 Center.

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

5 Section 39. (a) If a sex offender escapes from a
6 state or local correctional facility, juvenile detention
7 facility, or any other facility that would not permit
8 unsupervised access to the public, the responsible agency,
9 within 24 hours, shall notify the Department of Public Safety,
10 local law enforcement who had jurisdiction at the time of
11 adjudication or conviction of the sex offense, the sheriff of
12 the county and each chief of police of every municipality in
13 the county where the sex offender escaped, and the United
14 States Marshals Service.

15 (b) The responsible agency shall provide each law
16 enforcement agency listed in subsection (a) with the following
17 information:

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

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

21 (3) The nature of the crime for which the sex
22 offender was incarcerated.

23 (4) A copy of the fingerprints and current
24 photograph of the sex offender and a summary of the criminal
25 record of the sex offender.

26 Section 40. (a) A person is guilty of the crime of
27 harboring, assisting, concealing, or withholding information

1 about a sex offender if the person has knowledge or reason to
2 believe that a sex offender is required to register and has
3 not complied with the registration requirements of this act
4 and the person assists the sex offender in avoiding a law
5 enforcement agency that is seeking to find the sex offender to
6 question the sex offender about, or to arrest the sex offender
7 for, noncompliance with the requirements of this act if the
8 person does any of the following:

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

11 (2) Allows a sex offender to reside at his or her
12 residence to avoid registration if the address is not the
13 address the sex offender listed as his or her residence
14 address.

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

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

20 (5) Conceals, attempts to conceal, or assists
21 another in concealing or attempting to conceal the sex
22 offender.

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

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

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

3 Section 41. (a) It is the intent of the Legislature
4 that a duplicate of a certified copy of a public record be
5 admissible and is not dependent on the original custodian of
6 record to gain admissibility. Further, the Legislature finds
7 that the certification by the clerk or magistrate and the
8 certification by the Department of Public Safety assures
9 reliability and trustworthiness.

10 (b) Every clerk or magistrate of a court, which does
11 not have a clerk, shall forward a certified copy of a sex
12 offender's adjudication or conviction to the Department of
13 Public Safety within 30 days of sentencing of any of the
14 offenses listed in Section 5.

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

19 (d) Upon the request of any of the agencies listed
20 in subsection (c), the custodian of records, or its designee,
21 of the Department of Public Safety shall immediately certify
22 all of the following:

23 (1) That the Department of Public Safety received
24 the certified copy of the sex offender's conviction or
25 adjudication from the clerk or magistrate pursuant to
26 subsection (b).

1 (2) That the original certified copy received from
2 the clerk or magistrate remains in the possession of the
3 Department of Public Safety.

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

6 (e) Upon certification by the Department of Public
7 Safety as provided in subsection (d), the Department of Public
8 Safety shall immediately forward the certified documents to
9 the requesting agency.

10 (f) Notwithstanding any other law or rule of
11 evidence, a certified copy of the record of adjudication or
12 conviction as defined in subsection (b), provided by the
13 Department of Public Safety as provided in subsection (d),
14 shall be proof of the sex offender's adjudication or
15 conviction of a sex offense and shall be admissible into
16 evidence, without further proof, in any court in this state.

17 (g) For the purpose of this section, the term
18 conviction shall mean a final conviction, regardless of
19 whether the conviction is on appeal.

20 (h) Any clerk of a court, or magistrate of a court
21 which does not have a clerk, who fails to report any such
22 conviction in his or her court shall be guilty of a Class A
23 misdemeanor.

24 Section 42. (a) After a sex offender's conviction or
25 adjudication, and upon request of the Attorney General's
26 Office, the office of the prosecuting attorney or the clerk of
27 the court or magistrate of a court which does not have a

1 clerk, shall immediately forward the victim's name and most
2 current address, if available, to the Attorney General's
3 Office of Victim Assistance.

4 (b) When providing notice of a parole hearing, the
5 Board of Pardons and Paroles shall provide the Attorney
6 General's Office of Victim Assistance with any victim
7 information on victims whose offenders are subject to this
8 act.

9 (c) Upon request of the victim, the Attorney
10 General's Office of Victim Assistance shall send a notice to
11 the victim notifying the victim of the pending release of the
12 sex offender and the location at which the sex offender
13 intends to reside. This request by the victim shall be made
14 electronically or in writing to the Attorney General's Office
15 of Victim Assistance.

16 (d) It shall be the responsibility of the victim to
17 inform the Attorney General's Office of Victim Assistance of
18 any change to the victim's address or any other pertinent
19 information. If the notice sent by the Attorney General's
20 Office of Victim Assistance is returned as undeliverable, no
21 further action shall be required of the Attorney General's
22 Office of Victim Assistance.

23 Section 43. (a) Any jurisdiction or agency
24 responsible for registering a sex offender shall immediately
25 forward all required registration information and any changes
26 to the required registration information received to the

1 Department of Public Safety in a manner determined by the
2 director of the department.

3 (b) Upon notification or discovery of the death of a
4 sex offender, the registering agency shall immediately notify
5 the Department of Public Safety.

6 (c) The Department of Public Safety shall
7 immediately enter all registration information received into
8 its sex offender database.

9 (d) All information received by the Department of
10 Public Safety shall be immediately forwarded to the following
11 by the Department of Public Safety:

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

16 (2) The Sex Offender Registration and Notification
17 Act Exchange Portal.

18 (3) The National Sex Offender Registry.

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

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

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

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

1 (8) The Attorney General's Office of Victim
2 Assistance.

3 (e) Upon request, all registration information shall
4 be available to all federal, state, county, and municipal law
5 enforcement agencies, prosecuting attorneys, probation
6 officers, and any National Child Protection Act agencies in
7 electronic form.

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

16 (g) The sheriff of each county shall maintain a
17 register or roster of the names of all persons registered by
18 him or her pursuant to this act. The information contained in
19 the register or roster shall be made available, upon request,
20 to all federal, state, county, and municipal law enforcement
21 agencies, prosecuting attorneys, or probation officers for the
22 administration, implementation, or enforcement of this act.

23 Section 44. Except as provided in Sections 23, 24,
24 25, and 35, the sex offender registration and notification
25 requirements required by this act are mandatory and shall not
26 be altered, amended, waived, or suspended by any court. Any
27 order altering, amending, waiving, or suspending sex offender

1 registration and notification requirements, except as provided
2 in Sections 23, 24, 25, and 35, shall be null, void, and of no
3 effect.

4 Section 45. (a) The Director of the Department of
5 Public Safety shall promulgate rules establishing an
6 administrative hearing for persons who are only made subject
7 to this act pursuant to subdivision (33) of Section 5.

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

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

19 Section 46. (a) A sex offender who is convicted of
20 any offense specified in this act, in addition to any
21 imprisonment or fine, or both, imposed for the commission of
22 the underlying offense, shall be punished by a fine of two
23 hundred fifty dollars (\$250).

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

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

1 (2) Twenty-five dollars (\$25) to the Circuit Clerk's
2 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 Prosecution
8 Services for the Alabama Computer Forensics Labs.

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

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

13 Section 47. The two hundred dollar (\$200) filing fee
14 paid by a sex offender who petitions the court for relief
15 pursuant to Sections 23, 24, 25, or 35 shall be distributed as
16 follows:

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

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

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

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

24 (d) The filing fee shall not be suspended, waived,
25 or remitted.

26 Section 48. Nothing in this act shall be construed
27 as creating a cause of action against the state or any of its

1 agencies, officials, employees, or political subdivisions
2 based on the performance of any duty imposed by this act or
3 the failure to perform any duty imposed by this act.

4 Section 49. Sections 13A-11-200, 13A-11-201, and
5 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code
6 of Alabama 1975, are repealed.

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

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

19 Section 52. This act shall become effective on July
20 1, 2011, following its passage and approval by the Governor,
21 or its otherwise becoming law.