

1 SB301  
2 181699-7  
3 By Senators Figures and Ward  
4 RFD: Judiciary  
5 First Read: 14-MAR-17

1 SB301

4 ENROLLED, An Act,

5 Relating to sex offenses and sex offenders; to  
6 create the crimes of distributing a private image, sexting,  
7 sexual extortion, assault with bodily fluids, and directing a  
8 child to engage in sexual intercourse or deviate sexual  
9 intercourse, and to provide further for the crime of  
10 electronic solicitation of a child; to amend Sections  
11 13A-6-122, 15-20A-4, 15-20A-5, 15-20A-7, 15-20A-8, 15-20A-10,  
12 15-20A-11, 15-20A-12, 15-20A-13, 15-20A-14, 15-20A-15,  
13 15-20A-16, 15-20A-18, 15-20A-21, 15-20A-23, 15-20A-24,  
14 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-31,  
15 15-20A-32, 15-20A-34, 15-20A-37, 15-20A-42, and 15-20A-43 of  
16 the Code of Alabama 1975, to add crimes to the list of  
17 enumerated sex offenses for purposes of registration and  
18 notification; to create a definition for reside, require  
19 certain sex offenders to notify law enforcement of each place  
20 the sex offender resides, and provide further for the  
21 notification requirements associated with establishing a  
22 residence or residences and vacating a residence; to further  
23 specify information that may or may not appear on the public  
24 registry website; to provide further for the process by which  
25 a court may relieve certain sex offenders from registration

1 and notification requirements; to specify additional  
2 procedures for payment of the filing fees associated with the  
3 petition for relief; to define the term volunteer position and  
4 to limit locations in which a sex offender may accept a  
5 volunteer position and to require certain sex offenders  
6 accepting a volunteer position to notify law enforcement; and  
7 in connection therewith would have as its purpose or effect  
8 the requirement of a new or increased expenditure of local  
9 funds within the meaning of Amendment 621 of the Constitution  
10 of Alabama of 1901.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12           Section 1. (a) A person commits the crime of  
13 distributing a private image if he or she knowingly posts,  
14 emails, texts, transmits, or otherwise distributes a private  
15 image with the intent to harass, threaten, coerce, or  
16 intimidate the person depicted when the depicted person has  
17 not consented to the transmission and the depicted person had  
18 a reasonable expectation of privacy against transmission of  
19 the private image.

20           (b) For purposes of this section, private image  
21 means a photograph, digital image, video, film, or other  
22 recording of a person who is identifiable from the recording  
23 itself or from the circumstances of its transmission and who  
24 is engaged in any act of sadomasochistic abuse, sexual  
25 intercourse, sexual excitement, masturbation, breast nudity,

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1 as defined in Section 13A-12-190, genital nudity, or other  
2 sexual conduct. The term includes a recording that has been

3 edited, altered, or otherwise manipulated from its original  
4 form.

5 (c)(1) For purposes of this section, a reasonable  
6 expectation of privacy includes, but is not limited to, either  
7 of the following circumstances:

8 a. The person depicted in the private image created  
9 it or consented to its creation believing that it would remain  
10 confidential.

11 b. The sexual conduct depicted in the image was  
12 involuntary.

13 (2) There is no reasonable expectation of privacy  
14 against the transmission of a private image made voluntarily  
15 in a public or commercial setting.

16 (d) It is a defense to distributing a private image  
17 if the distribution of the private image was made in the  
18 public interest, including, but not limited to, the reporting  
19 of unlawful conduct; the lawful and common practices of law  
20 enforcement, legal proceedings, or medical treatment; or a  
21 bona fide attempt to prevent further distribution of the  
22 private image.

23 (e) A violation of this section is a Class A  
24 misdemeanor. A subsequent adjudication or conviction under  
25 this section is a Class C felony.

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1 Section 2. (a) A person commits the crime of sexual  
2 extortion if he or she knowingly causes another person to  
3 engage in sexual intercourse, deviate sexual intercourse,  
4 sexual contact, or in a sexual act or to produce any

5 photograph, digital image, video, film, or other recording of  
6 any person, whether recognizable or not, engaged in any act of  
7 sadomasochistic abuse, sexual intercourse, deviate sexual  
8 intercourse, sexual excitement, masturbation, breast nudity,  
9 genital nudity, or other sexual conduct by transmitting any  
10 communication containing any threat to injure the body,  
11 property, or reputation of any person.

12 (b) Sexual extortion is a Class B felony.

13 Section 3. (a) A person commits the crime of assault  
14 with bodily fluids if he or she knowingly causes or attempts  
15 to cause another person to come into contact with a bodily  
16 fluid unless the other person consented to the contact or the  
17 contact was necessary to provide medical care.

18 (b) For purposes of this section, a bodily fluid is  
19 blood, saliva, seminal fluid, mucous fluid, urine, or feces.

20 (c) Assault with bodily fluids is a Class A  
21 misdemeanor; provided, however, a violation of this section is  
22 a Class C felony if the person commits the crime of assault  
23 with bodily fluids knowing that he or she has a communicable  
24 disease.

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1 Section 4. (a)(1) A person commits the crime of  
2 directing a child to engage in sexual intercourse or deviate  
3 sexual intercourse if he or she knowingly entices, allures,  
4 persuades, induces, or directs any person under the age of 12  
5 to engage in sexual intercourse or deviate sexual intercourse  
6 with another person under the age of 12.

7 (2) Directing a child to engage in sexual  
8 intercourse or deviate sexual intercourse is a Class A felony.  
9 (b)(1) A person commits the crime of directing a  
10 child to engage in sexual contact if he or she knowingly  
11 entices, allures, persuades, induces, or directs any person  
12 under the age of 12 to engage in sexual contact with another  
13 person under the age of 12.

14 (2) A violation of this section is a Class C felony.  
15 Section 5. Sections 13A-6-122, 15-20A-4, 15-20A-5,  
16 15-20A-7, 15-20A-8, 15-20A-10, 15-20A-11, 15-20A-12,  
17 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18,  
18 15-20A-21, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26,  
19 15-20A-27, 15-20A-28, 15-20A-31, 15-20A-32, 15-20A-34,  
20 15-20A-37, 15-20A-42, and 15-20A-43 of the Code of Alabama  
21 1975, are amended to read as follows:

22 "§13A-6-122.

23 "In addition to the provisions of Section 13A-6-69,  
24 a person who, knowingly, ~~with the intent to commit an unlawful~~  
25 ~~sex act~~, entices, induces, persuades, seduces, prevails,

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1 advises, coerces, lures, or orders, or attempts to entice,  
2 induce, persuade, seduce, prevail, advise, coerce, lure, or  
3 order, by means of a computer, on-line service, Internet  
4 service, Internet bulletin board service, weblog, cellular  
5 phone, video game system, personal data assistant, telephone,  
6 facsimile machine, camera, universal serial bus drive,  
7 writable compact disc, magnetic storage device, floppy disk,  
8 or any other electronic communication or storage device, a

9 child who is at least three years younger than the defendant,  
10 or another person believed by the defendant to be a child at  
11 least three years younger than the defendant to meet with the  
12 defendant or any other person for the purpose of engaging in  
13 sexual intercourse, ~~sodomy, or to engage in a deviate sexual~~  
14 intercourse, sexual contact, sexual performance, obscene  
15 sexual performance, ~~or sexual conduct, or genital mutilation~~  
16 ~~for his or her benefit or for the benefit of another, or~~  
17 directs a child to engage in sexual intercourse, deviate  
18 sexual intercourse, sexual contact, sexual performance,  
19 obscene sexual performance, sexual conduct, or genital  
20 mutilation, is guilty of electronic solicitation of a child.  
21 Any person who violates this section commits a Class B felony.

22 "§15-20A-4.

23 "For purposes of this chapter, the following words  
24 shall have the following meanings:

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1 "(1) ADULT SEX OFFENDER. A person convicted of a sex  
2 offense.

3 "(2) CHILD. A person who has not attained the age of  
4 12.

5 "(3) CHILDCARE FACILITY. A licensed child daycare  
6 center, a licensed childcare facility, or any other childcare  
7 service that is exempt from licensing pursuant to Section  
8 38-7-3, ~~provided that the licensed child daycare center,~~  
9 ~~licensed childcare facility, or any other childcare service~~  
10 ~~and location are public record if it is sufficiently~~

11 conspicuous that a reasonable person should know or recognize  
12 its location or its address has~~have~~ been provided to local  
13 law enforcement.

14 " (4) CONVICTION. A verdict or finding of guilt as  
15 the result of a trial, a plea of guilty, a plea of nolo  
16 contendere, or an Alford plea regardless of whether  
17 adjudication was withheld. Conviction includes, but is not  
18 limited to, a conviction in a United States territory, a  
19 conviction in a federal or military tribunal, including a  
20 court martial conducted by the Armed Forces of the United  
21 States, a conviction for an offense committed on an Indian  
22 reservation or other federal property, a conviction in any  
23 state of the United States or a conviction in a foreign  
24 country if the foreign country's judicial system is such that  
25 it satisfies minimum due process set forth in the guidelines

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1 under Section 111(5) (B) of Public Law 109-248. Cases on appeal  
2 are deemed convictions until reversed or overturned.

3 " (5) EMPLOYMENT. ~~Employment that~~ Compensated work or  
4 a volunteer position for any period of time, regardless of  
5 whether the work is full-time, part-time, self-employment, or  
6 ~~employment~~ as an independent contractor or day laborer ~~for any~~  
7 ~~period, whether financially compensated, volunteered, or for~~  
8 ~~the purpose of government or educational benefit , provided~~  
9 that employment does not include any time spent traveling as a  
10 necessary incident to performing the work.

11 " (6) FIXED RESIDENCE. A building or structure,  
12 having a physical address or street number, that ~~adequately~~



13 provides shelter ~~at~~ in which a person resides.

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

16 "~~(8)~~ (7) HOMELESS. A person who has ~~no~~ The state of  
17 lacking a fixed residence.

18 "~~(9)~~ (8) IMMEDIATE FAMILY MEMBER. A parent or  
19 grandparent, ~~parent, sibling, spouse, child of any age by~~  
20 ~~blood, adoption, or marriage, or grandchild;~~ child,  
21 grandchild, or sibling of any age by blood, adoption, or  
22 marriage; or spouse.

23 "~~(10)~~ (9) IMMEDIATELY. Within three business days.

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1 "~~(11)~~ (10) JURISDICTION. Any state of the United  
2 States, any United States territory, the District of Columbia,  
3 or any federally recognized Indian tribe.

4 "~~(12)~~ (11) JUVENILE SEX OFFENDER. An individual who  
5 has not attained the age of 18 at the time of the offense and  
6 who is adjudicated delinquent of a sex offense.

7 "~~(13)~~ (12) LOCAL LAW ENFORCEMENT. The sheriff of the  
8 county and the chief of police if the location subject to  
9 registration is within the corporate limits of any  
10 municipality, or, if applicable, the chief law enforcement  
11 officer for a federally recognized Indian tribe.

12 "~~(14)~~ (13) MINOR. A person who has not attained the  
13 age of 18.

14 "(14) OVERNIGHT VISIT. Any presence between the

15 hours of 10:30 p.m. and 6:00 a.m.

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

22 "(16) PRIOR CONVICTION. The person has served and  
23 has been released or discharged from, or is serving, a  
24 separate period of incarceration, commitment, or supervision  
25 for the commission of a sex offense, as defined by Section

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1 15-20A-5, prior to, or at the time of, committing another sex  
2 offense.

3 "(17) REGISTERING AGENCY. Any agency with whom the  
4 sex offender registers required registration information.

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

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

17                   "~~(20)~~ RESIDE. To be habitually or systematically  
18 present at a place. Whether a person is residing at a place  
19 shall be determined by the totality of the circumstances,  
20 including the amount of time the person spends at the place  
21 and the nature of the person's conduct at the place. The term  
22 reside includes, but is not limited to, spending more than  
23 four hours a day at the place on three or more consecutive  
24 days; spending more than four hours a day at the place on 10  
25 or more aggregate days during a calendar month; or spending

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1 any amount of time at the place coupled with statements or  
2 actions that indicate an intent to live at the place or to  
3 remain at the place for the periods specified in this  
4 sentence. A person does not have to conduct an overnight visit  
5 to reside at a place.

6                   "~~(20)~~ (21) RESIDENCE. ~~Each fixed residence or other~~  
7 ~~place where a person resides, sleeps, or habitually lives or~~  
8 ~~will reside, sleep, or habitually live. If a person does not~~  
9 ~~reside, sleep, or habitually live in a fixed residence,~~  
10 ~~residence means a description of the locations where the~~  
11 ~~person is stationed regularly, day or night, including any~~  
12 ~~mobile or transitory living quarters or locations that have no~~  
13 ~~specific mailing or street address. Residence shall be~~  
14 ~~construed to refer to the places where a person resides,~~  
15 ~~sleeps, habitually lives, or is stationed with regularity,~~ A  
16 fixed residence as defined by Section 15-20A-4 or other place  
17 where the person resides, regardless of whether the person  
18 declares or characterizes such place as a residence.

19                   "~~(21)~~(22) RESPONSIBLE AGENCY. The person or  
20 government entity whose duty it is to obtain information from  
21 a sex offender and to transmit that information to the Alabama  
22 State Law Enforcement Agency, police departments, and  
23 sheriffs. For a sex offender being released from state prison,  
24 the responsible agency is the Department of Corrections. For a  
25 sex offender being released from a county jail, the

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1 responsible agency is the sheriff of that county. For a sex  
2 offender being released from a municipal jail, the responsible  
3 agency is the chief of police of that municipality. For a sex  
4 offender being placed on probation, including conditional  
5 discharge or unconditional discharge, without any sentence of  
6 incarceration, the responsible agency is the sentencing court  
7 or designee of the sentencing court. For a juvenile sex  
8 offender being released from the Department of Youth Services,  
9 the responsible agency is the Department of Youth Services.  
10 For a sex offender who is being released from a jurisdiction  
11 outside this state and who is to reside in this state, the  
12 responsible agency is the sheriff of the county in which the  
13 offender intends to establish a residence.

14                   "~~(22)~~(23) RISK ASSESSMENT. A written report on the  
15 assessment of risk for sexually re-offending conducted by a  
16 sex offender treatment program or provider approved by the  
17 Department of Youth Services. The report shall include, but  
18 not be limited to, the following regarding the juvenile sex  
19 offender: Criminal history, mental status, attitude, previous  
20 sexual offender treatment and response to treatment, social

21 factors, conditions of release expected to minimize risk of  
22 sexual re-offending, and characteristics of the sex offense.

23 "~~(23)~~(24) SCHOOL. A licensed or accredited public,  
24 private, or church school that offers instruction in grades  
25 K-12 pre-K-12 if it is sufficiently conspicuous that a

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1 reasonable person should know or recognize its location or its  
2 address has been provided to local law enforcement. The  
3 definition does not include a private residence in which  
4 students are taught by parents or tutors or any facility  
5 dedicated exclusively to the education of adults unless that  
6 facility has a childcare facility as defined in subdivision  
7 (3).

8 "~~(24)~~(25) SENTENCING COURT. The court of  
9 adjudication or conviction.

10 "~~(25)~~(26) SEX OFFENDER. Includes any adult sex  
11 offender, any youthful offender sex offender, and any juvenile  
12 sex offender.

13 "~~(26)~~(27) SEX OFFENSE INVOLVING A CHILD. A  
14 conviction for any sex offense in which the victim was a child  
15 or any offense involving child pornography.

16 "~~(27)~~(28) SEX OFFENSE INVOLVING A MINOR. A  
17 conviction for any sex offense in which the victim was a minor  
18 or any offense involving child pornography.

19 "~~(28)~~(29) SEXUALLY VIOLENT PREDATOR. A person who  
20 has been convicted of a sexually violent offense and who is  
21 likely to engage in one or more future sexually violent  
22 offenses or is likely to engage in future predatory sex

23 offenses.

24 "~~(29)~~ (30) STUDENT. A person who is enrolled in or  
25 attends, on a full-time or part-time basis, any public or

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1 private educational institution, including a secondary school,  
2 trade or professional school, or institution of higher  
3 education.

4 "~~(30)~~ (31) TEMPORARY LODGING INFORMATION. Lodging  
5 information including, but not limited to, the name and  
6 address of any location where the person is staying when away  
7 from his or her residence for three or more days and the  
8 period of time the person is staying at that location.

9 "(32) VOLUNTEER POSITION. An arrangement whereby a  
10 person works without compensation for any period of time on  
11 behalf of a business, school, charity, child care facility, or  
12 other organization or entity, provided that a volunteer  
13 position does not include any time spent traveling as a  
14 necessary incident to performing the uncompensated work.

15 "~~(31)~~ (33) YOUTHFUL OFFENDER SEX OFFENDER. An  
16 individual adjudicated as a youthful offender for a sex  
17 offense who has not yet attained the age of 21 at the time of  
18 the offense.

19 "§15-20A-5.

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

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

24 "(2) Rape in the second degree, as provided by

25 Section 13A-6-62.

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

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

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

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

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

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

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

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

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

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

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

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

17 "(14) Violation of the Alabama Child Pornography  
18 Act, as provided by Section 13A-12-191, 13A-12-192,  
19 13A-12-196, or 13A-12-197. The sentencing court may exempt  
20 from this chapter a juvenile sex offender adjudicated  
21 delinquent of a violation of the Alabama Child Pornography Act  
22 after the juvenile has been counseled on the dangers of the  
23 conduct for which he or she was adjudicated delinquent.

24 "(15) Unlawful imprisonment in the first degree, as  
25 provided by Section 13A-6-41, if the victim of the offense is



1 a minor, and the record of adjudication or conviction reflects  
2 the intent of the unlawful imprisonment was to abuse the minor  
3 sexually.

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

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

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

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

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

19 "(21) School employee engaging in a sex act or  
20 deviant sexual intercourse with a student, as provided by  
21 Section 13A-6-81.

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

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

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

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

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

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

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

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

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

17                  "(31) Sexual extortion, as provided by Section 4 of  
18                  the act adding this amendatory language.

19                  "(32) Directing a child to engage in a sex act, as  
20                  provided in Section 5 of the act adding this amendatory  
21                  language.

22                  "~~(31)~~ (33) Any offense which is the same as or  
23                  equivalent to any offense set forth above as the same existed  
24                  and was defined under the laws of this state existing at the  
25                  time of such conviction, specifically including, but not

1                  limited to, crime against nature, as provided by Section  
2                  13-1-110; rape, as provided by Sections 13-1-130 and 13-1-131;

3 carnal knowledge of a woman or girl, as provided by Sections  
4 13-1-132 through 13-1-135, or attempting to do so, as provided  
5 by Section 13-1-136; indecent molestation of children, as  
6 defined and provided by Section 13-1-113; indecent exposure,  
7 as provided by Section 13-1-111; incest, as provided by  
8 Section 13-8-3; offenses relative to obscene prints and  
9 literature, as provided by Sections 13-7-160 through 13-7-175,  
10 inclusive; employing, harboring, procuring or using a girl  
11 over 10 and under 18 years of age for the purpose of  
12 prostitution or sexual intercourse, as provided by Section  
13 13-7-1; seduction, as defined and provided by Section  
14 13-1-112; a male person peeping into a room occupied by a  
15 female, as provided by Section 13-6-6; assault with intent to  
16 ravish, as provided by Section 13-1-46; and soliciting a child  
17 by computer, as provided by Section 13A-6-110.

18 "~~(32)~~ (34) Any solicitation, attempt, or conspiracy  
19 to commit any of the offenses listed in subdivisions (1) to  
20 (31), inclusive.

21 "~~(33)~~ (35) Any crime committed in Alabama or any  
22 other state, the District of Columbia, any United States  
23 territory, or a federal, military, Indian, or foreign country  
24 jurisdiction which, if it had been committed in this state

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1 under the current provisions of law, would constitute an  
2 offense listed in subdivisions (1) to (32), inclusive.

3 "~~(34)~~ (36) Any offense specified by Title I of the  
4 federal Adam Walsh Child Protection and Safety Act of 2006

5 (Pub. L. 109-248, the Sex Offender Registration and  
6 Notification Act (SORNA)).

7 "~~(35)~~ (37) Any crime committed in another state, the  
8 District of Columbia, any United States territory, or a  
9 federal, military, Indian, or foreign country jurisdiction if  
10 that jurisdiction also requires that anyone convicted of that  
11 crime register as a sex offender in that jurisdiction.

12 "~~(36)~~ (38) Any offender determined in any  
13 jurisdiction to be a sex offender shall be considered a sex  
14 offender in this state.

15 "~~(37)~~ (39) The foregoing notwithstanding, any crime  
16 committed in any jurisdiction which, irrespective of the  
17 specific description or statutory elements thereof, is in any  
18 way characterized or known as rape, carnal knowledge, sodomy,  
19 sexual assault, sexual battery, criminal sexual conduct,  
20 criminal sexual contact, sexual abuse, continuous sexual  
21 abuse, sexual torture, solicitation of a child, enticing or  
22 luring a child, child pornography, lewd and lascivious  
23 conduct, taking indecent liberties with a child, molestation  
24 of a child, criminal sexual misconduct, video voyeurism, or  
25 there has been a finding of sexual motivation.

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1 "~~(38)~~ (40) Any crime not listed in this section  
2 wherein the underlying felony is an element of the offense and  
3 listed in subdivisions (1) to ~~(37)~~ (39), inclusive.

4 "~~(39)~~ (41) Any other offense not provided for in  
5 this section wherein there is a finding of sexual motivation  
6 as provided by Section 15-20A-6.

7                   "\$15-20A-7.

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

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

13                   "(2) Date of birth.

14                   "(3) Social Security number.

15                   "(4) Address of each residence.

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

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

24                   "(7) The license plate number, registration       number  
25 or identifier, description, and permanent or frequent       location

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1       where all vehicles are kept for any vehicle used for work or  
2       personal use, including land vehicles, aircraft, and  
3       watercraft.

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

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

9 postings other than those used exclusively in connection with  
10 a lawful commercial transaction.

11 "(10) A current photograph.

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

15 "(12) Fingerprints and palm prints.

16 "(13) A DNA sample. The DNA sample may be collected  
17 by the probation officer, sheriff, chief of police, or other  
18 responsible agency. Prior to collecting a DNA sample, the  
19 responsible agency shall determine if a DNA sample has already  
20 been collected for the sex offender by checking the Dru Sjodin  
21 National Sex Offender Public Registry website, the Alabama  
22 Department of Forensic Sciences DNATracker site, or with the  
23 Alabama State Law Enforcement Agency. If a DNA sample has not  
24 been previously collected for the sex offender, the  
25 responsible agency shall coordinate for the collection of a

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1 DNA sample with the sheriff of the county in which the  
2 registration is occurring. The collection of a DNA sample  
3 should be performed using materials recommended or provided by  
4 the Alabama Department of Forensic Sciences. The DNA sample  
5 shall be immediately forwarded by the entity collecting the  
6 sample to the Department of Forensic Sciences.

7 "(14) A photocopy of the valid driver license or  
8 identification card.

9 "(15) A photocopy of any and all passport and  
10 immigration documents.

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

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

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

20                   "(19) Any other information deemed necessary by the  
21 Secretary of the Alabama State Law Enforcement Agency.

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

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1       if the registering agency verifies the information has already  
2 been 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 Alabama State Law Enforcement Agency in a  
12 manner determined by the secretary of the department and

13 promulgated in rule by the secretary upon recommendation of an  
14 advisory board consisting of representatives of the office of  
15 the Attorney General, District Attorneys Association, Chiefs  
16 of Police Association, Sheriffs Association, and the Alabama  
17 State Law Enforcement Agency. The advisory board members shall  
18 not receive any compensation or reimbursement for serving on  
19 the advisory board.

20 "(d) The required registration information shall  
21 include a form explaining all registration and notification  
22 duties, including any requirements and restrictions placed on  
23 the sex offender. This form shall be signed and dated by the  
24 sex offender. If the sex offender fails to sign the form, the  
25 designee of the registering agency shall sign the form stating

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1 that the requirements have been explained to the sex offender  
2 and that the sex offender refused to sign.

3 "(e) All required registration information shall be  
4 stored electronically in a manner determined by the Secretary  
5 of the Alabama State Law Enforcement Agency and shall be  
6 available in a digitized format by the Alabama State Law  
7 Enforcement Agency to anyone entitled to receive the  
8 information as provided in Section 15-20A-42.

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

13 "§15-20A-8.

14 "(a) All of the following registration information



15 shall be provided on the public registry website maintained by  
16 the Alabama State Law Enforcement Agency and may be provided  
17 on any community notification documents:

18           "(1) Name, including any aliases, nicknames, ethnic,  
19 or Tribal names.

20           "(2) Address of each residence.

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

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1           "(4) Address of any employer where the sex offender  
2 works or will work, including any transient or day laborer  
3 information.

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

7           "(6) A current photograph.

8           "(7) A physical description of the sex offender.

9           "(8) Criminal history of any sex offense for which  
10 the sex offender has been adjudicated or convicted.

11           "(9) The text of the criminal provision of any sex  
12 offense of which the sex offender has been adjudicated or  
13 convicted.

14           "(10) Status of the sex offender, including whether  
15 the sex offender has absconded.

16           "(b) None of the following information shall be

17 provided on the public registry website or any other  
18 notification documents:

19 "(1) Criminal history of any arrests not resulting  
20 in conviction.

21 "(2) Social Security number.

22 "(3) Travel and immigration document numbers.

23 "(4) Victim identity.

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1 "(5) ~~Internet identifiers~~ Any email addresses or  
2 instant message addresses or identifiers used by the sex  
3 offender.

4 "(6) Any Internet service providers used by the sex  
5 offender.

6 "(c) Any other required registration information may  
7 be included on the website as determined by the Secretary of  
8 the Alabama State Law Enforcement Agency.

9 "(d) All information shall immediately be posted on  
10 the public registry website upon receipt of the information by  
11 the Alabama State Law Enforcement Agency.

12 "(e) The website shall include field search  
13 capabilities to search for sex offenders by name, city or  
14 town, county, zip code, or geographic radius.

15 "(f) The website shall include links to sex offender  
16 safety and education resources.

17 "(g) The website shall include instructions on how  
18 to seek correction of information that a person contends is

19 erroneous.

20 "(h) The website shall include a warning that  
21 information on the site should not be used to unlawfully  
22 injure, harass, or commit a crime against any person named in  
23 the registry or residing or working at any reported address  
24 and that any such action may result in civil or criminal  
25 penalties. The website shall also include a warning that,

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1 prior to including the individual on the website, the Alabama  
2 State Law Enforcement Agency did not consider or assess the  
3 individual's specific risk of reoffense or current  
4 dangerousness; that inclusion on the website is based solely  
5 on an individual's conviction record and state law; and that  
6 the Legislature's purpose in providing this data is to make  
7 the information more easily available and accessible, not to  
8 warn about any specific individual.

9 "§15-20A-10.

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

18 "(2) An adult sex offender who registers pursuant to  
19 subdivision (1) shall have seven days from release to comply  
20 with the residence restrictions pursuant to subsection (a) of

21 Section 15-20A-11.

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

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1 each county in which the adult sex offender establishes a  
2 residence, accepts employment, accepts a volunteer position,  
3 or begins school attendance.

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

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

22 "(d) Immediately upon any name change, the adult sex

23 offender shall immediately appear in person to update the  
24 information with local law enforcement in each county in which  
25 the adult sex offender is required to register.

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1           "(e) (1) Upon changing any required registration  
2 information, including by transferring or terminating a  
3 residence the adult sex offender shall immediately appear in  
4 person and update the information with local law enforcement  
5 in each county in which the adult sex offender resides.  
6 Provided, however, any changes in telephone numbers, email  
7 addresses, instant message addresses, or other on-line  
8 identifiers or Internet service providers may be reported to  
9 local law enforcement in person, electronically, or  
10 telephonically as required by the local law enforcement  
11 agency.

12           "(2) Notwithstanding any other provision of law  
13 regarding the establishment of residence, an adult sex  
14 offender has transferred or terminated his or her residence  
15 for purposes of subdivision (1) whenever the adult sex  
16 offender vacates his or her residence or fails to spend three  
17 or more consecutive days at his or her residence without  
18 previously notifying local law enforcement or completing a  
19 travel notification document pursuant to Section 15-20A-15.

20           "(f) An adult sex offender shall appear in person to  
21 verify all required registration information during the adult  
22 sex offender's birth month and every three months thereafter,  
23 regardless of the month of conviction, for the duration of the  
24 adult sex offender's life with local law enforcement in each

25 county in which the adult sex offender resides.

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1           "(g) At the time of registration, the adult sex  
2 offender shall be provided a form explaining any and all  
3 duties and restrictions placed on the adult sex offender. The  
4 adult sex offender shall read and sign this form stating that  
5 he or she understands the duties and restrictions imposed by  
6 this chapter. If the adult sex offender refuses to sign the  
7 form, the designee of the registering agency shall sign the  
8 form stating that the requirements have been explained to the  
9 adult sex offender and that the adult sex offender refused to  
10 sign.

11           "(h) For purposes of this section, a school includes  
12 an educational institution, public or private, including a  
13 secondary school, a trade or professional school, or an  
14 institution of higher education.

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

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

21           "§15-20A-11.

22           "(a) No adult sex offender shall establish a  
23 residence, ~~or~~ maintain a residence after release or  
24 conviction, ~~or establish any other living accommodation~~ within  
25 2,000 feet of the property on which any school, childcare

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1 facility, or resident camp facility is located unless  
2 otherwise exempted pursuant to Sections 15-20A-23 and  
3 15-20A-24. For the purposes of this section, a resident camp  
4 facility includes any place, area, parcel, or tract of land  
5 which contains permanent or semi-permanent facilities for  
6 sleeping owned by a business, church, or nonprofit  
7 organization used primarily for educational, recreational, or  
8 religious purposes for minors and the location of the resident  
9 camp has been provided to local law enforcement. Resident camp  
10 does not include a private residence, farm, or hunting or  
11 fishing camp.

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

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

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

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

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

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

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



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

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

8                   "~~(1) Wherever an adult sex offender resides for~~  
9 ~~three or more consecutive days.~~

10                  "~~(2) Wherever an adult sex offender~~ wherever he or  
11 she resides following release, regardless of whether the adult  
12 sex offender resided at the same location prior to the time of  
13 conviction.

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

17                  "~~(4) Whenever an~~ (2) Notwithstanding any other  
18 provision of law regarding establishment of residence, an  
19 adult sex offender has transferred his or her residence for  
20 purposes of Section 15-20A-10(e)(1) whenever the adult sex  
21 offender vacates his or her residence or fails to spend three  
22 or more consecutive days at his or her residence without  
23 previously notifying local law enforcement or obtaining a  
24 travel ~~permit~~ notification document pursuant to Section  
25 15-20A-15.

1                   "(f) An adult sex offender is exempt from  
2 subsections (a) and (b) during the time ~~an~~ the adult sex

3 offender is ~~admitted to a hospital~~ in the facility of a  
4 ~~licensed health care provider~~ or is incarcerated in a jail,  
5 prison, mental health facility, or any other correctional  
6 placement facility wherein the adult sex offender is not  
7 allowed unsupervised access to the public.

8 "(g) An adult sex offender shall not be found in  
9 violation of subsection (a) on the basis of any address,  
10 street number, place, or parcel that has been approved in  
11 writing by local law enforcement prior to establishing a  
12 residence. Local law enforcement shall promulgate, publicize,  
13 and enforce a policy that affords sex offenders a reasonable  
14 opportunity to obtain preapproval of a proposed residence.

15 "~~(g)~~ (h) For the purposes of this section, the  
16 2,000-foot measurement shall be taken in a straight line from  
17 nearest property line to nearest property line.

18 "~~(h)~~ (i) Any person who knowingly violates this  
19 section shall be guilty of a Class C felony.

20 "§15-20A-12.

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

1 "(b) In addition to complying with the registration  
2 and verification requirements pursuant to Section 15-20A-10, a  
3 homeless adult sex offender who lacks a fixed residence, or  
4 who does not provide an address at a fixed residence at the

5 time of release or registration, shall report in person once  
6 every seven days to law enforcement agency where he or she  
7 resides. If the sex offender resides within the city limits of  
8 a municipality, he or she shall report to the chief of police.  
9 If the adult sex offender resides outside of the city limits  
10 of a municipality he or she shall report to the sheriff of the  
11 county. The weekly report shall be on a day specified by local  
12 law enforcement and shall occur during normal business hours.

13 "(c) A homeless adult sex offender who lacks a fixed  
14 address shall comply with the residence restrictions set forth  
15 in Section 15-20A-11.

16 "(d) (1) Each time a homeless adult sex offender  
17 reports under this section, he or she shall provide all of the  
18 following information:

19 "a. Name.

20 "b. Date of birth.

21 "c. Social Security number.

22 "d. A detailed description of the location or  
23 locations where he or she has resided during the week.

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1 "e. A list of the locations where he or she plans to  
2 reside in the upcoming week with as much specificity as  
3 possible.

4 "(2) The registering agency is not required to  
5 obtain the remaining required registration information from  
6 the homeless adult sex offender each time he or she reports to

7 the registering agency unless the homeless adult sex offender  
8 has any changes to the remaining required registration  
9 information.

10 "(e) If an adult sex offender who was homeless  
11 obtains a fixed ~~address~~ residence in compliance with the  
12 provisions of Section 15-20A-11, the adult sex offender shall  
13 immediately appear in person to update the information with  
14 local law enforcement in each county of residence.

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

17 "§15-20A-13.

18 "(a) No adult sex offender shall ~~apply for,~~ accept,  
19 or maintain employment ~~or vocation~~ or a volunteer position at  
20 any school, childcare facility, mobile vending business that  
21 provides services primarily to children, or any other business  
22 or organization that provides services primarily to children,  
23 or any amusement or water park.

24 "(b) No adult sex offender shall ~~apply for,~~ accept,  
25 or maintain employment or a volunteer position ~~for any~~

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1 ~~employment or vocation~~ within 2,000 feet of the property on  
2 which a school or childcare facility is located unless  
3 otherwise exempted pursuant to Sections 15-20A-24 and  
4 15-20A-25.

5 "(c) No adult sex offender, after having been  
6 convicted of a sex offense involving a child, shall ~~apply for,~~  
7 accept, or maintain employment ~~or vocation~~ or a volunteer  
8 position ~~for any employment or vocation~~ within 500 feet of a

9 playground, park, athletic field or facility, or any other  
10 business or facility having a principal purpose of caring for,  
11 educating, or entertaining minors.

12 "(d) Changes to property within 2,000 feet of an  
13 adult sex offender's place of employment which occur after an  
14 adult sex offender accepts employment shall not form the basis  
15 for finding that an adult sex offender is in violation of this  
16 section.

17 "(e) It shall be unlawful for the owner or operator  
18 of any childcare facility or any other organization that  
19 provides services primarily to children to knowingly provide  
20 employment-employ or accept a volunteer ~~services from~~  
21 position to an adult sex offender.

22 "(f) For purposes of this section, the 2,000-foot  
23 measurement shall be taken in a straight line from nearest  
24 property line to nearest property line.

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

3 "§15-20A-14.

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

10 "(b) Any adult sex offender who enters this state to

11 accept employment, ~~carry on a vocation, or a volunteer~~  
12 position or to become a student shall immediately appear in  
13 person and register all required registration information with  
14 local law enforcement in the county where the adult sex  
15 offender accepts employment, ~~carries on a vocation, or the~~  
16 volunteer position or becomes a student.

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

20 "(d) Within 30 days of initial registration, the  
21 adult sex offender shall provide each registering agency with  
22 a certified copy of his or her sex offense conviction;  
23 however, an adult sex offender shall be exempt from this  
24 subsection if the adult sex offender provides adequate

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1 documentation that the certified record is no longer available  
2 or has been destroyed.

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

5 "§15-20A-15.

6 "(a) ~~Prior to Immediately before~~ an adult sex  
7 offender temporarily ~~leaving from~~ leaves his or her county of  
8 residence for a period of three or more consecutive days, the  
9 adult sex offender shall report ~~such information~~ in person  
10 ~~immediately prior to leaving his or her county of residence~~  
11 ~~for such travel~~ to the sheriff in each county of residence and  
12 complete and sign a travel notification document.

13                   ~~"(b) The adult sex offender shall complete a travel~~  
14 ~~permit form immediately prior to travel and provide the~~ The  
15 travel notification document shall be a form prescribed by the  
16 Alabama State Law Enforcement Agency to collect dates of  
17 travel, the intended destination or destinations, and  
18 temporary lodging information, and any other information  
19 reasonably necessary to monitor a sex offender who plans to  
20 travel.

21                   "(c) If a sex offender intends to travel to another  
22 country, he or she shall report in person to the sheriff in  
23 each county of residence and complete a travel notification  
24 document at least 21 days prior to such travel. If the travel  
25 to another country is for a family or personal medical

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1 emergency or a death in the family, then the sex offender  
2 shall report in person to the sheriff in each county of  
3 residence immediately prior to travel. Any information  
4 reported to the sheriff in each county of residence shall  
5 immediately be reported to the United States Marshals Service  
6 and the Alabama State Law Enforcement Agency.

7                   "(d) The travel ~~permit notification document~~ shall  
8 explain the duties of the adult sex offender regarding travel  
9 as prescribed by the Alabama State Law Enforcement Agency and  
10 a certification that the adult sex offender understands the-  
11 ~~The adult sex offender shall sign the travel permit stating~~  
12 ~~that he or she~~ duties required of him or her. ~~If the adult sex~~  
13 ~~offender refuses to sign the travel permit form, the travel~~  
14 ~~permit shall be denied and that the information he or she~~

15 provided on the travel notification document is true and  
16 correct. No sex offender shall provide false information on  
17 the travel notification document.

18           "(e) The sheriff in each county of residence shall  
19 immediately notify local law enforcement in the county or the  
20 jurisdiction to which the adult sex offender will be  
21 traveling.

22           "(f) Upon return to the county of residence, the  
23 adult sex offender shall immediately report to the sheriff in  
24 each county of residence.

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1           "(g) All completed travel ~~permits notification~~  
2 documents shall be included with the adult sex offender's  
3 required registration information.

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

6           "§15-20A-16.

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

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

15           "(c) No sex offender shall make any harassing  
16 communication, directly or indirectly, in person or through



17 others, by phone, mail, or electronic means to the victim or  
18 any immediate family member of the victim.

19 ~~"(c) Notwithstanding subsections (a) and (b), a~~ (d)  
20 A petition to exclude an adult sex offender from the  
21 requirements of subsections (a) and (b) of this section and  
22 Section 15-20A-11(b) may be filed in accordance with the  
23 requirements of Section 15-20A-24(c). The court shall conduct  
24 a hearing and ~~may~~ shall exclude an adult sex offender from the  
25 provisions of this section provided that:

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

3 "(2) The court finds by clear and convincing  
4 evidence that the victim's court appearance and written  
5 request pursuant to subdivision (1) were made voluntarily.

6 "(3) The victim is over the age of 19 at the time of  
7 the request.

8 ~~"(3) The sex offense is an offense included in~~  
9 ~~Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67, or if the~~  
10 ~~crime was committed in this state or any other jurisdiction~~  
11 ~~which, if had been committed in this state under the current~~  
12 ~~provisions of law, would constitute an offense listed in~~  
13 ~~Section 13A-6-62, 13A-6-64, 13A-6-65, or 13A-6-67.~~

14 "(4) The district attorney or prosecuting attorney  
15 shall be notified of the hearing and shall have the right to  
16 be present and heard.

17 "(d) Notwithstanding any state or local law or rule  
18 assigning costs and fees for filing and processing civil and

19 criminal cases a petition filed shall be assessed a filing fee  
20 in the amount of two hundred dollars (\$200) to be distributed  
21 as provided in Section 15-20A-46.

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

24 "§15-20A-18.

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

18 (b) The adult sex offender shall obtain from the  
19 Alabama State Law Enforcement Agency a valid driver license or  
20 identification card bearing a designation that enables law

21 enforcement officers to identify the licensee as a sex  
22 offender within 14 days of his or her initial registration  
23 following release, initial registration upon entering the  
24 state to become a resident, or immediately following his or  
25 her next registration after July 1, 2011.

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1 (c) Whenever the Alabama State Law Enforcement  
2 Agency issues or renews a driver license or identification  
3 card to an adult sex offender, the driver license or  
4 identification card shall bear a designation that, at a  
5 minimum, enables law enforcement officers to identify the  
6 licensee as a sex offender.

7 (d) Upon obtaining or renewing a driver license or  
8 identification card bearing a designation that enables law  
9 enforcement officers to identify the licensee as a sex  
10 offender, the adult sex offender shall relinquish to the  
11 Alabama State Law Enforcement Agency any other driver license  
12 or identification card previously issued to him or her by a  
13 state motor vehicle agency which does not bear any designation  
14 enabling law enforcement officers to identify the licensee as  
15 a sex offender. Nothing in this section shall require an adult  
16 sex offender to relinquish, or preclude an adult sex offender  
17 from possessing, any form of identification issued to him or  
18 her by an entity other than a state motor vehicle agency,  
19 including, but not limited to, the United States, a federal  
20 department or agency, a municipal or county government entity,  
21 an educational institution, or a private employer.

22 (e) No adult sex offender shall mutilate, mar,

23 change, reproduce, alter, deface, disfigure, or otherwise  
24 change the form of any driver license or identification card  
25 which is issued to the adult sex offender by the Alabama State

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1 Law Enforcement Agency and which bears any designation  
2 enabling law enforcement officers to identify the licensee as  
3 a sex offender. An adult sex offender having in his or her  
4 possession a driver license or identification card issued to  
5 him or her by the Alabama State Law Enforcement Agency bearing  
6 any designation enabling law enforcement officers to identify  
7 the licensee as a sex offender which has been mutilated,  
8 marred, changed, reproduced, altered, defaced, disfigured, or  
9 otherwise changed shall be prima facie evidence that he or she  
10 has violated this section.

11 (f) Any person who knowingly violates this section  
12 shall be guilty of a Class C felony.

13 "§15-20A-21.

14 "(a) Immediately upon the release of an adult sex  
15 offender or immediately upon notice of where the adult sex  
16 offender plans to establish, or has established a fixed  
17 residence, the following procedures shall apply:

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

25 or her fixed residence.

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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 fixed  
5 residence of the adult sex offender and all schools and  
6 childcare facilities within three miles of the declared fixed  
7 residence of the adult sex offender that the adult sex  
8 offender will be establishing or has established his or her  
9 fixed 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 fixed  
15 residence of the adult sex offender and all schools and  
16 childcare facilities within three miles of the declared fixed  
17 residence of the adult sex offender that the adult sex  
18 offender will be establishing or has established his or her  
19 fixed residence.

20              "(b) A community notification flyer shall be made by  
21 regular mail or hand delivered to all legal residences  
22 required by this section and include registration information  
23 pursuant to Section 15-20A-8. In addition, any other method  
24 reasonably expected to provide notification may be utilized,  
25 including, but not limited to, posting a copy of the notice in

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1 a prominent place at the office of the sheriff and at the  
2 police station closest to the declared fixed residence of the  
3 released adult sex offender, publicizing the notice in a local  
4 newspaper, posting electronically, including the Internet, or  
5 other means available.

6 "(c) Nothing in this chapter shall be construed as  
7 prohibiting the Secretary of the Alabama State Law Enforcement  
8 Agency, a sheriff, or a chief of police from providing  
9 community notification under the provisions of this chapter by  
10 regular mail, electronically, or by publication or  
11 periodically to persons whose legal residence is within the  
12 guidelines of this chapter or more than the applicable  
13 distance from the residence of an adult sex offender.

14 "~~(d) When an a homeless adult sex offender declares~~  
15 ~~that he or she is homeless, who lacks a fixed residence~~  
16 ~~registers pursuant to Section 15-20A-12,~~ notification shall be  
17 provided by posting a copy of the notice in a prominent place  
18 at the office of the sheriff and at the police station closest  
19 to the declared residence of the released adult sex offender,  
20 publicizing the notice in a local newspaper, or posting the  
21 notice electronically, including the Internet or other means  
22 available.

23 "§15-20A-23.

24 "(a) A sex offender required to register under this  
25 chapter may petition the court for relief from the residency

1 restriction pursuant to subsection (a) of Section 15-20A-11  
2 during the time a sex offender is terminally ill or  
3 permanently immobile, or the sex offender has a debilitating  
4 medical condition requiring substantial care or supervision or  
5 requires placement in a residential health care facility.

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

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

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

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

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

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

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

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

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

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

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

12                  "(5) A release allowing the prosecuting     attorney or  
13 the court to obtain any other medical records or documentation  
14 relevant to the petition.

15                  "(6) Any other information requested by     the court  
16 relevant to the petition.

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

22                  "(f) The court shall hold a hearing within 30 days  
23 of the filing of the petition. Upon request of the prosecuting  
24 attorney, and for good cause shown, the hearing may be  
25 continued to allow the prosecuting attorney to obtain any

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1                  relevant records pertinent to the hearing. At the hearing the  
2 prosecuting attorney and the victim shall have the opportunity



3 to be heard.

4 "(g) The court ~~may~~ shall issue an order releasing  
5 the sex offender from the residency restrictions pursuant to  
6 subsection (a) of Section 15-20A-11 if the court finds by  
7 clear and convincing evidence that the sex offender (1) is  
8 terminally ill, permanently immobile, has a debilitating  
9 medical condition requiring substantial care or supervision,  
10 or requires placement in a residential health care facility  
11 and (2) does not pose a substantial risk of perpetrating any  
12 future ~~dangerous~~ sexual offense ~~or that the sex offender is~~  
13 ~~not likely to reoffend~~. The court may relieve a sex offender  
14 from any residency restrictions indefinitely or for a specific  
15 period of time.

16 "(h) The court shall send a copy of any order  
17 releasing a sex offender from residency restrictions pursuant  
18 to subsection (a) of Section 15-20A-11 to the prosecuting  
19 attorney and the Alabama State Law Enforcement Agency.

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

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1 "(j) If the petition for release is denied, the sex  
2 offender may not file a subsequent petition for at least 12  
3 months from the date of the final order on the previous  
4 petition unless good cause is shown and the sex offender's

5 mental or physical condition has severely changed.

6 "(k) If at any time the sex offender is no longer  
7 terminally ill, permanently immobile, or no longer suffers  
8 from a debilitating medical condition requiring substantial  
9 care or supervision or no longer requires placement in a  
10 residential health care facility, the sex offender shall  
11 immediately register in person with local law enforcement in  
12 each county of residence, ~~and~~ update all required registration  
13 information, and comply with the residency restriction  
14 pursuant to subsection (a) of Section 15-20A-11.

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

20 "(m) ~~The~~ Upon request of the state, the court may  
21 ~~petition the court to~~ reinstate the restrictions pursuant to  
22 subsection (a) of Section 15-20A-11 for good cause shown,  
23 including, but not limited to, whenever the grounds for a  
24 relief order issued pursuant to subsection (g) are revealed to

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1 be false or no longer true. No filing fee may be assessed for  
2 a petition filed under this subsection.

3 "(n) Notwithstanding any state or local rule  
4 assigning costs and fees for filing and processing civil and  
5 criminal cases, a sex offender's petition under this section  
6 shall be assessed a filing fee in the amount of two hundred

7 dollars (\$200) to be distributed as provided in Section  
8 15-20A-46. The filing fee may be waived initially and taxed as  
9 costs at the conclusion of the case if the court finds that  
10 payment of the fee will constitute a substantial hardship. A  
11 verified statement of substantial hardship, signed by the sex  
12 offender and approved by the court, shall be filed with the  
13 clerk of court.

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

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

20 "§15-20A-24.

21 "(a) At disposition, sentencing, upon completion of  
22 probation, or upon completion of a term of registration  
23 ordered by the sentencing court, a sex offender may petition  
24 the court for relief from ~~registration and notification~~ the  
25 requirements of this chapter resulting from any of the

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1 following offenses, provided that he or she meets the  
2 requirements set forth in subsection (b):

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

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

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

9                   "(4) Sexual misconduct, as provided by Section  
10           13A-6-65.  
11                   "(5) Any crime committed in this state or any other  
12           jurisdiction which, if had been committed in this state under  
13           the current provisions of law, would constitute an offense  
14           listed in subdivisions (1) to (4), inclusive.  
15                   "(6) Any solicitation, attempt, or conspiracy to  
16           commit any of the offenses listed in subdivisions (1) to (5),  
17           inclusive.  
18                   "(b) The sex offender shall prove by clear and  
19           convincing evidence all of the following to ~~be eligible for~~  
20           obtain relief under this section:  
21                   "(1) The sex offense did not involve force and was  
22           only a crime due to the age of the victim.  
23                   "(2) At the time of the commission of the sex  
24           offense, the victim was 13 years of age or older.

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1                   "(3) At the time of the commission of the sex  
2           offense, the sex offender was less than five years older than  
3           the victim.  
4                   "(c) If the petition for relief is filed after  
5           sentencing or disposition, the petition for relief shall be  
6           filed as follows:  
7                   "(1) If the adult or youthful offender sex offender  
8           was adjudicated or convicted in this state, the petition for  
9           relief shall be filed in the civil division of the circuit  
10          court where the adult or youthful offender sex offender was

11 adjudicated or convicted.

12           "(2) If the adult or youthful offender sex offender  
13 was adjudicated or convicted in a jurisdiction outside of this  
14 state, the petition for relief shall be filed in the civil  
15 division of the circuit court in the county in which the adult  
16 or youthful offender sex offender resides.

17           "(3) If the juvenile sex offender was adjudicated in  
18 this state, the petition for relief shall be filed in the  
19 juvenile court.

20           "(4) If the juvenile sex offender was adjudicated in  
21 a jurisdiction outside of this state, the petition for relief  
22 shall be filed in the juvenile court in the county in which  
23 the juvenile sex offender resides.

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

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

4           "b. The prosecuting attorney of the     county where the  
5 sex offender resides.

6           "c. 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           "d. Local law enforcement where the     adult sex  
10 offender resides.

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

13 automatic denial of the petition.

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

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

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

23 "(3) Proof of the age of the victim and the age of  
24 the sex offender at the time of the commission of the sex  
25 offense.

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1 "(4) A list of each registering agency in each  
2 county and jurisdiction in which the sex offender is required  
3 to or has ever been required to register, if the petition is  
4 filed 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) The court shall issue an order releasing the  
19 sex offender from some or all requirements of this chapter  
20 pursuant to subsection (i) if the court finds by clear and  
21 convincing evidence that the sex offender does not pose a  
22 substantial risk of perpetrating any future sex offense. In  
23 determining whether to grant relief, the court may consider  
24 any of the following:

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

5                   "(2) Recommendations from the prosecuting attorney.

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

8                   "(4) The facts and circumstances surrounding the  
9 offense.

10                  "(5) The relationship of the parties.

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

12                  "(7) The protection of society.

13                  "(8) Any other information deemed relevant by the  
14 court.

15                  "(i) The court may grant full or partial relief from  
16 this chapter. If the court grants relief, the court shall

17 enter an order detailing the relief granted and provide a copy  
18 of the order to the prosecuting attorney and the Alabama State  
19 Law Enforcement Agency.

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

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

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

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

11 "(m) Notwithstanding any state or local law or rule  
12 assigning costs and fees for filing and processing civil and  
13 criminal cases, except when this relief is sought at the time  
14 of sentencing or disposition, a sex offender's petition under  
15 this section shall be assessed a filing fee in the amount of  
16 two hundred dollars (\$200) to be distributed as provided in  
17 Section 15-20A-46. The filing fee may be waived initially and  
18 taxed as costs at the conclusion of the case if the court



19 finds that payment of the fee will constitute a substantial  
20 hardship. A verified statement of substantial hardship, signed  
21 by the sex offender and approved by the court, shall be filed  
22 with the clerk of court.

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

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1               "(o) Any person who knowingly provides false or  
2 misleading information pursuant to this section shall be  
3 guilty of a Class C felony.

4               "§15-20A-25.

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

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

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

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

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

21                   "(5) Sexual torture, as provided by Section  
22           13A-6-65.1.  
23                   "(6) Any sex offense involving     a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

14                   "(5) Justification as to why the court should grant  
15 relief.

16                   "(6) Any other information requested by the court  
17 relevant to the petition.

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

23                   "(e) The court shall hold a hearing prior to ruling  
24 on the petition. At the hearing, the prosecuting attorney and

25 the victim shall have the opportunity to be heard.

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1           "(f) The court shall issue an order releasing the  
2 sex offender from the requirements of the employment  
3 restrictions pursuant to subsection (b) of Section 15-20A-13  
4 if the court finds by clear and convincing evidence that the  
5 sex offender does not pose a substantial risk of perpetrating  
6 any future sex offense. The court may consider any of the  
7 following factors in determining whether to grant relief:

8           "(1) The nature of the offense.

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

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

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

14          "(g) If the court grants the petition, the court  
15 shall enter an order detailing the relief granted and provide  
16 a copy of the order to the prosecuting attorney where the  
17 petition was filed and to the Alabama State Law Enforcement  
18 Agency.

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

24          "(i) The Upon request of the state, the court may  
25 petition the court to reinstate the restrictions pursuant to

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1 subsection (b) of Section 15-20A-13 for good cause shown,  
2 including, but not limited to, whenever the grounds for a  
3 relief order issued pursuant to subsection (f) are revealed to  
4 be false or no longer true. No filing fee may be assessed for  
5 a petition filed under this subsection.

6 "(j) Notwithstanding any state or local law or rule  
7 assigning costs and fees for filing and processing civil and  
8 criminal cases, except when this relief is sought at the time  
9 of sentencing, a sex offender's petition under this section  
10 shall be assessed a filing fee in the amount of two hundred  
11 dollars (\$200) to be distributed as provided in Section  
12 15-20A-46. The filing fee may be waived initially and taxed as  
13 costs at the conclusion of the case if the court finds that  
14 payment of the fee will constitute a substantial hardship. A  
15 verified statement of substantial hardship, signed by the sex  
16 offender and approved by the court, shall be filed with the  
17 clerk of court.

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

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

24 "§15-20A-26.

1           "(a) Upon adjudication of delinquency for a sex  
2 offense, a juvenile sex offender shall be required to receive  
3 sex offender treatment by a sex offender treatment program or  
4 provider approved by the Department of Youth Services.

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 office not  
10 less than 60 days prior to the projected release of the  
11 juvenile sex offender from a facility where the juvenile sex  
12 offender does not have unsupervised access to the public or  
13 immediately upon completion of the risk assessment if the  
14 juvenile sex offender is not in a facility where the juvenile  
15 sex offender does not have unsupervised access to the public.

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

1                   "(d) Within 60 days of receiving the risk  
2                   assessment, the court shall conduct a hearing to determine the  
3                   risk of the juvenile sex offender to the community and the  
4                   level of notification that shall apply.

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

12                  "§15-20A-27.

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

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

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

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1                   "(3) Criminal history factors indicative of high  
2                   risk of re-offense, including whether the conduct of the

juvenile sex offender was found to be characterized by  
repetitive and compulsive behavior.

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

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

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

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

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

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

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

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

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

"(13) The protection of society.

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

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

"(1) If the risk of re-offense is low, notification



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

22 " (2) If the risk of re-offense is moderate,  
23 notification that the juvenile sex offender will be  
24 establishing, or has established, ~~his or her~~ a fixed residence  
25 shall be provided by local law enforcement to all schools and

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1 childcare facilities within three miles of the declared fixed  
2 residence of the juvenile sex offender. A community  
3 notification flyer shall be mailed by regular mail or hand  
4 delivered to all schools or childcare facilities as required  
5 by this subsection. No other method may be used to disseminate  
6 this information.

7           "(3) If the risk of re-offense is high, the public  
8 shall receive notification as though the juvenile sex offender  
9 were an adult sex offender in accordance with Section  
10 15-20A-21.

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

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

19           "§15-20A-28.

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

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

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

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

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

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

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

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

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

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

"(c) A juvenile sex offender who is not subject to lifetime registration pursuant to subsection (a), shall be

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subject to this chapter for a period of 10 years from the ~~last~~ date of ~~release from the offense subjecting the juvenile sex offender to registration in accordance with this chapter~~ first registration.

~~"(d) If a juvenile sex offender required to register under this chapter is civilly committed, hospitalized, or re-incarcerated for another offense or, as the result of having violated the terms of probation, parole, or aftercare, fails to register or fails to comply with the requirements of this chapter, the registration requirements and the remaining~~

~~period of time for which the juvenile sex offender shall register shall be tolled during the period of commitment, hospitalization, re-incarceration, or noncompliance.~~

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

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

"§15-20A-31.

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"(a) During the time a juvenile sex offender is subject to the registration requirements of this chapter, the juvenile sex offender shall not ~~apply for, accept, or maintain employment or vocation, or a volunteer position for any employment or vocation~~ at any school, childcare facility, or any other business or organization that provides services primarily to children.

"(b) It shall be unlawful for the owner or operator of any childcare facility or any other organization that provides services primarily to children to knowingly ~~employ provide employment or accept a volunteer services from position to~~ a juvenile sex offender.

13                   "(c) Any person who knowingly violates this section  
14 shall be guilty of a Class C felony.  
15                   "§15-20A-32.  
16                   "(a) A juvenile sex offender or youthful offender  
17 sex offender, or equivalent thereto, who is not currently a  
18 resident of this state, shall immediately appear in person and  
19 register all required registration information upon  
20 establishing a residence, accepting employment or a volunteer  
21 position, or beginning school attendance in this state with  
22 local law enforcement in each county where the juvenile sex  
23 offender or youthful offender sex offender resides or intends  
24 to reside, accepts employment or a volunteer position, or  
25 begins school attendance.

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

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

13                   "(d) Whenever a youthful offender sex offender, or  
14 equivalent thereto, enters this state to establish a

15 residence, he or she shall be subject to the requirements of  
16 this chapter as it applies to youthful offender sex offenders  
17 in this state.

18 "(e) A juvenile sex offender or youthful offender  
19 sex offender entering this state to accept employment or a  
20 volunteer position or to begin school attendance, but not to  
21 establish a residence, must immediately appear in person and  
22 register any subsequent changes to the required registration  
23 information with local law enforcement in each county where he  
24 or she is required to register.

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

3 "\$15-20A-34.

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

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

14 "(1) If the juvenile sex offender was adjudicated  
15 delinquent of a sex offense in this state, the petition shall  
16 be filed in the juvenile court of the county in which the

17 juvenile sex offender was adjudicated delinquent.

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

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

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

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

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

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

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

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

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

18           "(2) Documentation of the juvenile sex offender's

19 release date or sentencing date if the juvenile sex offender  
20 was placed on probation.

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

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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



21 offender's probation officer, including, but not limited to,  
22 the recommendations in the predisposition report and the  
23 juvenile sex offender's compliance with supervision  
24 requirements.

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1           "(2) Recommendations from the juvenile sex  
2 offender's treatment provider, including, but not limited to,  
3 whether the juvenile sex offender successfully completed a  
4 treatment program approved by the Department of Youth  
5 Services.

6           "(3) Recommendations from the prosecuting attorney.

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

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

14           "(6) Any criminal behavior of the juvenile sex  
15 offender before and after the adjudication of delinquency that  
16 requires reporting.

17           "(7) The stability of the juvenile sex offender in  
18 employment and housing and his or her community and personal  
19 support system.

20           "(8) The protection of society.

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

22           "(h) If the court is satisfied by clear and

23 convincing evidence that the juvenile sex offender is  
24 rehabilitated and does not pose a threat to the safety of the  
25 public, the court ~~may~~ shall grant relief.

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1 "(i) The court shall provide a copy of any order  
2 granting relief to the prosecuting attorney and to the Alabama  
3 State Law Enforcement Agency.

4 "(j) Upon receipt of a copy of an order granting  
5 relief as provided in this section, the Alabama State Law  
6 Enforcement Agency shall remove the juvenile sex offender from  
7 the public registry website. If the registering agencies  
8 maintain a local registry of sex offenders who are registered  
9 with their agencies, the registering agencies shall remove the  
10 registration information of the juvenile sex offender from the  
11 local sex offender public registry, if notification applied.

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

16 "(l) Notwithstanding any state or local law or rule  
17 assigning costs and fees for filing and processing civil and  
18 criminal cases, the fee for filing the petition for relief  
19 under this section shall be two hundred dollars (\$200) to be  
20 distributed as provided in Section 15-20A-46. The filing fee  
21 may be waived initially and taxed as costs at the conclusion  
22 of the case if the court finds that payment of the fee will  
23 constitute a substantial hardship. A verified statement of  
24 substantial hardship, signed by the sex offender and approved

25 by the court, shall be filed with the clerk of court.

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

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

7           "§15-20A-37.

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

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

21           "(c) If no determination can be made as to whether  
22 the sex offender has absconded, the sheriff of the county in  
23 which the sex offender failed to appear for registration shall  
24 immediately notify the Alabama State Law Enforcement Agency  
25 and the United States Marshals Service that the sex offender

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1 cannot be located and provide any information available to  
2 determine whether the sex offender absconded to the United  
3 States Marshals Service.

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

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

9 "(2) The sheriff of the county in which the sex  
10 offender has absconded shall immediately notify the United  
11 States Marshals Service and the Alabama State Law Enforcement  
12 Agency.

13 "(3) The Alabama State Law Enforcement Agency shall  
14 immediately update its public registry website to reflect that  
15 the sex offender has absconded.

16 "(4) The Alabama State Law Enforcement Agency shall  
17 immediately notify the Criminal Justice Information Center,  
18 who shall immediately notify the National Criminal Information  
19 Center.

20 "(5) The Alabama State Law Enforcement Agency shall  
21 immediately notify the National Sex Offender Registry to  
22 reflect that the sex offender has absconded and enter the  
23 information into the National Crime Center Wanted Person File.

24 "(e) A sex offender who knowingly fails to appear  
25 for registration after declaring his or her intent to reside,

1 be employed, or attend school in a county without notifying  
2 local law enforcement in that county that he or she will no  
3 longer establish a residence, maintain employment or a  
4 volunteer position, or attend school, shall be guilty of a  
5 Class C felony.

6 "§15-20A-42.

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

20 "(b) Upon notification or discovery of the death of  
21 a sex offender, the registering agency shall immediately  
22 notify the Alabama State Law Enforcement Agency.

23 "(c) The Alabama State Law Enforcement Agency shall  
24 immediately enter all registration information received into  
25 its sex offender database.

"(d) All information received by the Alabama State Law Enforcement Agency shall be immediately forwarded to the following by the Alabama State Law Enforcement Agency:

"(1) The National Criminal Information Center or any other law enforcement agency for any lawful criminal justice purpose.

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

"(3) The National Sex Offender Registry.

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

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

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

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

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

"(e) Upon request, all registration information shall be available in electric form to all federal, state, county, and municipal law enforcement agencies, prosecuting attorneys, probation officers, and any agency responsible for conducting employment-related background checks under the

National Child Protection Act ~~agencies in electronic form of~~  
1993 (42 U.S.C. 5119a).

3                   "(f) No existing state laws, including, but not  
4                   limited to, statutes that would otherwise make juvenile and  
5                   youthful offender records confidential, shall preclude the  
6                   disclosure of any information requested by a responsible  
7                   agency, a law enforcement officer, a criminal justice agency,  
8                   the Office of the Attorney General, or a prosecuting attorney  
9                   for purposes of administering, implementing, or enforcing this  
10                  chapter. No state law shall preclude the disclosure of any  
11                  information concerning a juvenile sex offender or youthful  
12                  offender sex offender to the Department of Human Resources for  
13                  the purpose of conducting an assessment with regard to a  
14                  person as provided by law.

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

23                  "(h) Notwithstanding any other provision of law to  
24                  the contrary, a sex offender's Internet identifiers as  
25                  described in subdivision (9) of subsection (a) of Section

1                  15-20A-7, and a sex offender's Internet service providers as  
2                  described in subdivision (18) of subsection (a) of Section  
3                  15-20A-7, may only be disclosed pursuant to federal law or to  
4                  law enforcement for the purpose of administering.

implementing, or enforcing this chapter or to prevent or investigate a crime by the sex offender based on an articulable basis for suspicion. In no event shall such information be disclosed other than for one of the purposes identified in the preceding sentence. A violation of this subsection shall constitute a Class A misdemeanor.

"§15-20A-43.

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

"(b) The Board of Pardons and Paroles shall not grant relief from any provisions of this chapter to any sex offender unless all three of the following conditions are met:

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"(1) At the time of the commission of the sex offense, the sex offender was less than five years older than the victim.

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

"(3) The sex offense did not involve force and was



7       only a crime due to the age of the victim."

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

14              Section 7. This act shall become effective on the  
15       first day of the third month following its passage and  
16       approval by the Governor, or its otherwise becoming law.

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4

President and Presiding Officer of the Senate

5

6

Speaker of the House of Representatives



7 SB301  
8 Senate 13-APR-17  
9 I hereby certify that the within Act originated in and passed  
10 the Senate, as amended.

11  
12 Patrick Harris,  
13 Secretary.  
14

15

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16  
17 House of Representatives  
18 Passed: 19-MAY-17

19

20

21 By: Senator Figures