

1 HB332
2 95591-5
3 By Representative Galliher
4 RFD: Judiciary
5 First Read: 06-FEB-08

1 "(1) The responsible agency shall require the adult
2 criminal sex offender to declare, in writing or by electronic
3 means approved by the Director of the Department of Public
4 Safety, the actual physical address at which he or she will
5 reside or live upon release and the name and physical address
6 of his or her employer, if any. The actual physical address at
7 which he or she will reside or live upon release shall be
8 verified by the local law enforcement agency prior to release.
9 This verification by local law enforcement shall include
10 determining whether the address complies with the provisions
11 of this article. At least 110 days before a scheduled release,
12 the local law enforcement agency shall notify the responsible
13 agency whether or not the address was verified and whether or
14 not the address complies with this article. If the address
15 cannot be verified or does not comply with this article, the
16 responsible agency, at least 100 days prior to the scheduled
17 release, shall notify the adult criminal sex offender that the
18 provided address does not satisfy the requirements of this
19 section, shall inform the adult criminal sex offender of the
20 reason that the provided address does not satisfy the
21 requirements of this section, and shall provide written notice
22 to the adult criminal sex offender that he or she shall be
23 considered in violation of this section and shall be subject
24 to the penalties provided in this subsection unless he or she
25 provides a verifiable actual physical address at which he or
26 she will reside or live upon release in compliance with this
27 article at least 70 days prior to his or her scheduled release

1 as provided in this subsection. If the adult criminal sex
2 offender provides a new physical address at which he or she
3 will reside or live upon release, the verification process set
4 out herein shall be conducted for the new physical address to
5 determine whether the address complies with the provisions of
6 this article. Any failure to provide timely and accurate
7 declarations by the adult criminal sex offender to comply with
8 the requirements of this section shall constitute a Class C
9 felony. Any adult criminal sex offender in violation of this
10 section shall be ineligible for release on probation or
11 parole. Any adult criminal sex offender in violation of this
12 section who is to be released due to the expiration of his or
13 her sentence shall be treated as follows:

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

1 only be released on bond on the condition that the offender is
2 in compliance with this section before being released.

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

10 "(2) If the adult criminal sex offender declares his
11 or her intent to reside or be employed outside of the state,
12 the responsible agency ~~shall~~, within five business days of the
13 declarations required by this article, shall notify the
14 Director of the Department of Public Safety, the Attorney
15 General, or the designated state law enforcement agency of the
16 state to which the adult criminal sex offender has declared
17 his or her intent to move or in which he or she intends to be
18 employed, and shall also notify the Alabama Criminal Justice
19 Information Center. The notification shall include all
20 information available to the responsible agency which would be
21 necessary to identify and trace the adult criminal sex
22 offender, including, but not limited to, the offender's
23 declared places of residence and employment, each sex offense
24 history or pre-sentence investigation of the sex offense,
25 fingerprints, and a current photograph of the adult criminal
26 sex offender.

1 "(3) If the adult criminal sex offender declares his
2 or her intent to reside, live, or be employed within this
3 state, the responsible agency shall, within five business days
4 of the written declaration, notify the Attorney General, the
5 Director of the Department of Public Safety, the district
6 attorney and the sheriff of any county in which the adult
7 criminal sex offender intends to reside or be employed, the
8 chief of police of any municipality in which the adult
9 criminal sex offender intends to reside or be employed, and
10 the Alabama Criminal Justice Information Center. The
11 notification shall include all information available to the
12 responsible agency which would be necessary to identify and
13 trace the adult criminal sex offender, including, but not
14 limited to, the offender's declared places of residence and
15 employment, each sex offense history or pre-sentence
16 investigation of the sex offense, fingerprints, and a current
17 photograph of the criminal sex offender.

18 "(4) The Alabama Criminal Justice Information Center
19 shall be responsible for notifying the Federal Bureau of
20 Investigation with sex offender information upon receiving
21 this information from the responsible agency. Measures shall
22 be taken to ensure this information is submitted to and
23 included in the national database of sex offenders established
24 pursuant to 42 U.S.C. § 14072.

25 "(5) Upon conviction and again prior to requiring
26 the adult criminal sex offender to provide the address
27 described in subdivision (1), the responsible agency shall

1 provide the adult criminal sex offender with a form,
2 promulgated by the Attorney General's Office, that lists the
3 requirements of this article. All other adult criminal sex
4 offenders, including those who have already been released,
5 shall be provided with this form at the next scheduled date
6 following the effective date of the act adding this language
7 that he or she is required to present in person the completed
8 verification form mandated by subsection (b) of Section
9 15-20-24. The adult criminal sex offender shall acknowledge
10 receipt of the form by signing it in the designated space.
11 This form shall remain in the adult criminal sex offender's
12 file at the Department of Public Safety.

13 "(b) If a sentencing court does not impose a
14 sentence of incarceration upon conviction of the adult
15 criminal sex offender for a criminal sex offense, notification
16 shall be provided by the responsible agency in accordance with
17 subsection (a) within 24 hours of release.

18 "(c) Prior to release, every adult criminal sex
19 offender convicted for a criminal sex offense shall submit to
20 the probation officer or sheriff a DNA sample that will be
21 sent to the Department of Forensic Sciences. An adult criminal
22 sex offender who intentionally fails to provide a DNA sample
23 shall be guilty of a Class C felony.

24 "(d) If an adult criminal sex offender is unable to
25 declare a place of employment prior to release because he or
26 she is unemployed, the offender shall declare in writing or by
27 electronic means approved by the Director of the Department of

1 Public Safety the name and physical address of his or her
2 employer to the sheriff of the county and chief of police of
3 the municipality in which the offender is employed by the end
4 of the next business day after he or she obtains employment.
5 Any failure to provide a timely and accurate written
6 declaration as required by this section is a Class C felony."

7 (e) When a defendant has been convicted of a
8 criminal sex offense involving a minor, but has not been
9 sentenced, the defendant may not be released on bond until the
10 defendant notifies the responsible agency of the actual
11 physical address at which he or she will reside and the actual
12 physical address of his or her employer.

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 06-FEB-08

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on the calendar 28-FEB-08

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as amended 27-MAR-08

Yeas 87, Nays 0, Abstains 1

Greg Pappas
Clerk