

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

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8 SYNOPSIS: Under existing law, an adult criminal sex  
9 offender is prohibited from establishing a  
10 residence in certain locations and under certain  
11 circumstances and is required to provide a proper  
12 physical address where he or she intends to reside  
13 within 45 days prior to release from a correctional  
14 facility. Under existing law, failure to provide a  
15 proper address is a Class C felony and subjects the  
16 adult criminal sex offender to rearrest upon  
17 release for failure to comply with the requirement  
18 to provide a proper address.

19 This bill would provide that the  
20 notification process would commence 180 days prior  
21 to release, would require the local law enforcement  
22 agency to verify that the address provided by the  
23 adult criminal sex offender prior to release  
24 complies with the requirements of the law, and,  
25 when the address provided does not comply with the  
26 law, would require the responsible agency to notify

1 the adult criminal sex offender prior to release  
2 that he or she must provide a new address.

3 This bill would provide that an incarcerated  
4 adult criminal sex offender may not be granted  
5 early release when he or she has failed to comply  
6 with this provision of the law.

7  
8 A BILL  
9 TO BE ENTITLED  
10 AN ACT

11  
12 To amend Section 15-20-22, Code of Alabama 1975, to  
13 further provide for the procedures relating to the release of  
14 adult criminal sex offenders; to require the local law  
15 enforcement agency to verify the physical address where an  
16 adult criminal sex offender intends to reside upon release  
17 from a correctional facility and to require the responsible  
18 agency to notify the offender when the address does not comply  
19 with the requirements of law; and to prohibit the early  
20 release of an adult criminal sex offender who does not provide  
21 a proper physical address where he or she intends to reside as  
22 required by law.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 15-20-22, Code of Alabama 1975,  
25 is amended to read as follows:

26 "§15-20-22.

1           "(a) ~~Forty-five~~ One hundred eighty days prior to the  
2 release of an adult criminal sex offender, the following shall  
3 apply:

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

1 provides a verifiable actual physical address at which he or  
2 she will reside or live upon release in compliance with this  
3 article at least 70 days prior to his or her scheduled release  
4 as provided in this subsection. If the adult criminal sex  
5 offender provides a new physical address at which he or she  
6 will reside or live upon release, the verification process set  
7 out herein shall be conducted for the new physical address to  
8 determine whether the address complies with the provisions of  
9 this article. Any failure to provide timely and accurate  
10 declarations by the adult criminal sex offender to comply with  
11 the requirements of this section shall constitute a Class C  
12 felony. Any adult criminal sex offender in violation of this  
13 section shall be ineligible for release on probation or  
14 parole. Any adult criminal sex offender in violation of this  
15 section who is to be released due to the expiration of his or  
16 her sentence shall be treated as follows:

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

1 the his or her custody of the sheriff of the county in which  
2 the violation occurred at the time of release. Any adult  
3 criminal sex offender charged with violating this section may  
4 only be released on bond on the condition that the offender is  
5 in compliance with this section before being released.

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

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

1 fingerprints, and a current photograph of the adult criminal  
2 sex offender.

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

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

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

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

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

1           "(d) If an adult criminal sex offender is unable to  
2 declare a place of employment prior to release because he or  
3 she is unemployed, the offender shall declare in writing or by  
4 electronic means approved by the Director of the Department of  
5 Public Safety the name and physical address of his or her  
6 employer to the sheriff of the county and chief of police of  
7 the municipality in which the offender is employed by the end  
8 of the next business day after he or she obtains employment.  
9 Any failure to provide a timely and accurate written  
10 declaration as required by this section is a Class C felony."

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