

Alabama Community Notification Act
(as amended by Ala. Act No. 2005-301, effective October 1, 2005)

15-20-20

This article shall be known and cited as the Community Notification Act.

15-20-20.1 Alabama Community Notification Act Preamble

The Legislature finds that the danger of recidivism posed by criminal sex offenders and that the protection of the public from these offenders is a paramount concern or interest to government. The Legislature further finds that law enforcement agencies' efforts to protect their communities, conduct investigations, and quickly apprehend criminal sex offenders are impaired by the lack of information about criminal sex offenders who live within their jurisdiction and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute sex offenders.

The system of registering criminal sex offenders is a proper exercise of the state's police power regulating present and ongoing conduct. Comprehensive registration and periodic address verification will provide law enforcement with additional information critical to preventing sexual victimization and to resolving incidents involving sexual abuse and exploitation promptly. It will allow them to alert the public when necessary for the continued protection of the community.

Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in safety and in the effective operation of government. In balancing offender's due process and other rights, and the interests of public security, the Legislature finds that releasing information about criminal sex offenders to law enforcement agencies and, providing access to or releasing such information about criminal sex offenders to the general public, will further the primary government interest of protecting vulnerable populations and in some instances the public, from potential harm. The Legislature further finds that residency and employment restrictions for criminal sex offenders provide additional protections to vulnerable segments of the public such as schools and child care facilities.

Juvenile sex offenders, like their adult counterparts, poses a danger to the public. Research has shown, however, that there are sufficient differences between adult and juvenile criminal sexual offenders. Juveniles are much more likely to respond favorably to sexual offender treatment. Juvenile offenders have a shorter history of committing sexual offenses. They are less likely to have deviant sexual arousal patterns and are not as practiced in avoiding responsibility for their abusive behavior. Juveniles are dependent upon adults for food and shelter, as well as the emotional and practical support vital to treatment efforts. Earlier intervention increases the opportunity for success in teaching juveniles how to reduce their risk of sexually re-offending. The Legislature finds that juvenile criminal sex offenders should be subject to the Community

Notification Act, but that certain precautions should be taken to target the juveniles that pose the more serious threats to the public.

Therefore, the state policy is to assist local law enforcement agencies' efforts to protect their communities by requiring criminal sex offenders to register, record their address of residence, to be photographed, fingerprinted, to authorize the release of necessary and relevant information about criminal sex offenders to the public, to mandate residency and employment restrictions upon criminal sex offenders, and to provide certain discretion to judges for application of these requirements as provided in this article.

The Legislature declares that its intent in imposing certain reporting and monitoring requirements on criminal sex offenders and requiring community notification of the residence and workplace of criminal sex offenders is to protect the public, especially children, from convicted sex offenders.

15-20-21 Definitions

For purposes of this article, the following words shall have the following meanings:

(1) **ADULT CRIMINAL SEX OFFENDER.** A person convicted of a criminal sex offense, including a person who has pleaded nolo contendere to a criminal sex offense, regardless of whether adjudication was withheld.

(2) **CHILD CARE FACILITY.** A licensed daycare center, a licensed child care facility, or any other child care service that is exempt from licensing pursuant to Section 38-7-3.

(3) **COMMUNITY NOTIFICATION FLYER.** This notification shall include the following information on the criminal sex offender: name; actual living address; sex; date of birth; complete physical characteristics; and a current photograph. This notification shall also include a statement of the criminal sex offense for which he or she has been convicted, including the age and gender of the victim; the geographic area where the offense occurred; and, the date upon which the criminal sex offender will be released. This notification shall also include a statement that the same information is on file at the Sheriff's Office and Police Headquarters, if a police department has jurisdiction over the criminal sex offender/s residence, and that the information will be available to the general public for inspection and identification purposes during regular business hours.

(4) **CRIMINAL SEX OFFENSE.** Any of the following offenses:

a. Rape in the first or second degree, as proscribed by Section 13A-6-61 or 13A-6-62; provided that a sentencing court may exempt from this article a juvenile or youthful offender criminal sex offender for a criminal sex offense as defined in Section 13A-6-62 (a) (1).

- b. Sodomy in the first or second degree, as proscribed by Section 13A-6-63 or 13A-6-64.
- c. Sexual Torture, as proscribed by Section 13A-6-65.1.
- d. Sexual abuse in the first or second degree as proscribed by Section 13A-6-66 or 13A-6-67.
- e. Enticing a child to enter a vehicle, room, house, office, or other place for immoral purposes, as proscribed by Section 13A-6-69.
- f. Promoting prostitution in the first or second degree, as proscribed by Section 13A-12-112.
- g. Violation of the Alabama Child Pornography Act, as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196, 13A-12-197.
- h. Kidnapping of a minor, except by a parent, in the first or second degree, as proscribed by Section 13A-6-43 or 13A-6-44.
- i. Incest, as proscribed by Section 13A-13-3, when the offender is an adult and the victim is a minor.
- j. Soliciting a child by computer for the purposes of committing a sexual act and transmitting obscene material to a child by computer, as proscribed by Sections 13A-6-110 and 13A-6-111.
- k. Any solicitation, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) to (j), inclusive.
- l. Any crime committed in any state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state under the current provisions of law, would constitute an offense listed in paragraphs (a) to (k), inclusive.
- m. The foregoing notwithstanding, any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, sodomy, sexual assault, sexual battery, sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child, or molestation of a child.

(5) **CRIMINAL SEX OFFENSE INVOLVING A CHILD.** A conviction for any criminal sex offense in which the victim was a child under the age of 12 and any offense involving child pornography.

(6) EMPLOYMENT. Includes employment that is full-time or part-time for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(7). JUVENILE CRIMINAL SEX OFFENDER. An individual adjudicated delinquent of a criminal sex offense.

(8) MENTAL ABNORMALITY. A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sex offense to a degree that makes the person a menace to the health and safety of other persons.

(9) PREDATORY. An act directed at a stranger, or a person with whom a relationship has been established, or promoted for the purpose of victimization.

(10) RELEASE. Release from a state prison, county jail, or municipal jail, or release or discharge from the custody of the Department of Youth Services or other juvenile detention, or placement on an appeal bond, probation or parole or aftercare, or placement into any facility or treatment program that allows the offender to have unsupervised access to the public.

(11) RESPONSIBLE AGENCY. The person or government entity whose duty it is to obtain information from a criminal sex offender before release and to transmit that information to police departments or sheriffs responsible for providing community notification. For a criminal sex offender being released from state prison, the responsible agency is the Department of Corrections. For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county. For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality. For a criminal sex offender being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court. For a criminal sex offender being released from the Department of Youth Services, the responsible agency is the Department of Youth Services. For a criminal sex offender who is being released from a jurisdiction outside this state and who is to reside in this state, the responsible agency is the Department of Public Safety.

(12) RISK ASSESSMENT. A written report on the assessment of risk for sexually re-offending conducted by a sexual treatment program approved by the Department of Youth Services. The report shall include, but not be limited to, the following regarding the criminal sex offender: criminal history, mental status, attitude, previous sexual offender treatment and response to treatment, social factors, conditions of release expected to minimize risk of sexual re-offending, and characteristics of the criminal sex offense.

(13) SCHOOL. A licensed or accredited public or private school, or church school, that offers instruction in grades K-12. This definition shall not include private residences in which students are taught by parents or tutors.

(14) SENTENCING COURT. The court of conviction or the court that determines sentence as a result of conviction or adjudication.

(15) SEXUALLY VIOLENT PREDATOR. A person who has been convicted of a criminal sex offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.

(16) STUDENT. A person who is enrolled on a full-time or part-time basis, in any public or private educational installation, including any schools as defined in subdivision (13).

(17) YOUTHFUL OFFENDER CRIMINAL SEX OFFENDER. An individual adjudicated a youthful offender for a criminal sex offense.

15-20-22. Adult Release from Incarceration, Adult Release Without, DNA Submission

(a) Forty-five days prior to the release of an adult criminal sex offender, the following shall apply:

(1) The responsible agency shall require the adult criminal sex offender to declare, in writing or by electronic means approved by the Director of the Department of Public Safety, the actual address at which he or she will reside or live upon release and the name and physical address of his or her employer, if any. Any failure to provide timely and accurate declarations shall constitute a Class C Felony. Any adult criminal sex offender in violation of this section shall be ineligible for release on probation or parole. Any adult criminal sex offender in violation of this section who is to be released due to the expiration of his or her sentence shall be charged with violating this section and, upon release, shall immediately be remanded to the custody of the sheriff of the county in which the violation occurred. Any adult criminal sex offender charged with violating this section may only be released on bond on the condition that the offender is in compliance with this section before being released.

(2) If the adult criminal sex offender declares his or her intent to reside or to be employed outside of the state, the responsible agency shall, within five business days of the declarations required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the adult criminal sex offender has declared his or her intent to move or in which he or she intends to be employed, and shall also notify the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the adult criminal sex

offender, including, but not limited to, the offender's declared places of residence and employment, each sex offense history or pre-sentence investigation of the sex offense, fingerprints, and a current photograph of the adult criminal sex offender.

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

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

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

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

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

15-20-23 Adult Intent to Move, Establish a New Residence

(a) If an adult criminal sex offender intends to transfer his or her residence to a different location, he or she shall submit a notice of intent to move to the sheriff of the county and the chief of police of the municipality in which he or she resides, and to the sheriff of the county and chief of police of the municipality to which he or she plans to move, if such are different, at least 30 days prior to moving to the new location. The notice of intent to

move shall be on a form developed by the Department of Public Safety provided by the sheriff and shall include all the information required by this article for community notification. Failure to provide a timely and accurate written declaration shall constitute a Class C Felony.

(b) Notwithstanding other provisions of law regarding establishment of residence, an adult criminal sex offender shall be deemed to have established a new residence in any of the following circumstances:

(1) Whenever that adult criminal sex offender is domiciled for three consecutive days or more.

(2) Whenever that adult criminal sex offender is domiciled following his or her release, regardless of whether that criminal sex offender has been domiciled at the same location prior to the time of conviction.

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

15-20-23.1 Registering Change of Employment

If an adult criminal sex offender intends to change his or her place of employment, he or she shall submit a notice of intent to do so to the sheriff of the county and the chief of police of the municipality in which he or she is then employed and to the sheriff of the county and chief of police of the municipality in which he or she intends to be employed, if such are different, at least seven days prior to beginning employment at the new location. An intentional failure to provide a timely and accurate written declaration shall constitute a Class C Felony.

15-20-24 Adult Verification of Residency

(a) Sixty days after an adult criminal sex offender's most current release and, except during ensuing periods of incarceration, thereafter on the anniversary date of an adult criminal sex offender's birthday occurring more than 90 days after the release and the date six months after the anniversary date of an adult criminal sex offender's birthday occurring more than 90 days after the release, the Department of Public Safety shall mail a non-forwardable verification form to the address of the adult criminal sex offender. The sheriff, or chief of police where applicable, where the adult criminal sex offender resides shall be notified of the pending verification and whether the verification form was received by the adult criminal sex offender.

(b) Within 10 days of the receipt of the verification form, the adult criminal sex offender shall present in person the completed verification form to the sheriff, or chief of police where applicable, who shall obtain fingerprints and a photograph of the adult criminal sex offender. The verification form shall be signed by the adult criminal sex offender and shall state that the adult criminal sex offenders still resides at that address and that the

adult criminal sex offender is in compliance with the residence restrictions established in this article. In the event the adult criminal sex offender does not receive a verification form from the Department of Public Safety, the offender must nonetheless report in person to the sheriff, or chief of police where applicable, to verify his or her place of residence within 90 days of his or her most recent release and thereafter each year within 30 days of the offender's birthday and the date six months after the offender's birthday.

(c) Within 30 days of an adult criminal sex offender's address verification, the Department of Public Safety shall, in accordance with guidelines promulgated by the Department of Public Safety, receive from the appropriate sheriff or chief of police verification of the adult criminal sex offender's address. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individuals.

(d) An adult criminal sex offender who fails to verify his or her place of residence in accordance with this section, or provides a false statement to law enforcement in the verification process, or knowingly fails to permit law enforcement personnel to obtain fingerprints or a photograph shall be guilty of a Class C Felony.

15-20-25 Adult Notification

(a) Within five business days after the responsible agency provides notice of a release or intent to transfer residence of any adult criminal sex offender, the following procedures shall apply:

(1) In the cities of Birmingham, Mobile, Huntsville, and Montgomery, the chief of police shall notify all persons who have a legal residence within 1,000 feet of the declared residence of the adult criminal sex offender and all schools and child care facilities within three miles of the declared residence of the adult criminal sex offender that the criminal sex offender will be establishing his or her residence.

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

(b) A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section. In addition, any other method of reasonably expected to provide notification may be utilized, but not limited to, posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, or posting electronically, including the Internet, or other means available.

(c) Nothing in this article shall be construed as prohibiting the Department of Public Safety, a sheriff, or a chief of police from providing community notification under the provisions of this article electronically or by publication or periodically to persons whose legal address is more than the applicable distance from the residence of an adult criminal sex offender.

15-20-25.1 Registration for Out-of-State Criminal Sex Offenders

(a) Any adult criminal sex offender not a resident of this state shall register with law enforcement whenever the offender comes into this state to accept employment, to carry on a vocation, or to become a student. The offender shall also register any subsequent changes in his or her place of lodging, employment, or school being attended.

(b) Any adult criminal sex offender required to register under this section shall, within five days after entering this state or changing his or her place of lodging, employment, or school being attended, provide a written declaration to the sheriff of the county and chief of police of the municipality in which the offender intends to work or become a student. This written declaration shall contain all of the following:

- (1) Information concerning the registrant's place of employment or the school being attended.
- (2) The registrant's address in his or her state of residence.
- (3) The address of any place of lodging the registrant may have in this state for purposes of employment or attendance as a student.
- (4) Other information as would be necessary to complete a community notification flyer as defined in subdivision (3) of Section 15-20-21.

(c) Whenever an adult criminal sex offender registers pursuant to this section, he or she shall be subject to the community notification procedures set forth in 15-20-25. The adult criminal sex offender shall be treated as though he or she had transferred his or her place of residence to the place of lodging declared under subdivision (3) of subsection (b). If no place of lodging is declared or exists, the adult criminal sex offender shall be treated as though he or she had transferred his or her place of residence to the place of employment or the school being attended and declared under subdivision (1) of subsection (b).

(d) An intentional failure to provide a timely and accurate written declaration as required by this section shall constitute a Class C Felony.

15-20-25.2 Employment or Enrollment at a School

(a) In addition to any other requirements of this article, an adult criminal sex offender shall provide written notice to the sheriff of the county and chief of police of the municipality in which the offender resides, of the following:

(1) Each institution of higher education at which the offender is employed, carries on a vocation, or is a student.

(2) Each change in enrollment or employment status of the offender at an institution of higher education.

(b) An adult criminal sex offender shall provide written notice as required under subdivision (1) of subsection (a) within five days of becoming employed, carrying on a vocation, or becoming a student at an institution of higher education.

(c) A change in status noticed under subdivision (2) of subsection (a) shall be reported by the adult criminal sex offender within five days after the change becomes effective.

(d) Any written notice provided to law enforcement under this section shall be forwarded to the Department of Public Safety and the Alabama Criminal Justice Information Center, both of which shall enter the information contained in the written notice in the appropriate state records or data system.

(e) Any written notice provided to law enforcement under this section shall also be forwarded to campus police and any other security personnel of the school or institution of higher learning where the adult criminal sex offender is employed, carries on a vocation, or is a student.

(f) An intentional failure to provide timely and accurate written notice as required by this section shall constitute a Class C Felony.

15-20-25.3 Sexually Violent Predator

(a) Whenever an individual is convicted of a criminal sex offense in this state, the state, at the time of sentencing, may petition the sentencing court to enter an order adjudicating the offender to be a sexually violent predator.

(b) If the state so petitions, it shall present clear and convincing evidence that the offender suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.

(c) Any offender determined in any other state to be a sexually violent predator shall be considered a sexually violent predator in this state.

(d) Sexually violent predators shall be required, upon release, to provide to the responsible agency, in addition to the information required to complete a community notification flyer as provided in subdivision (3) of Section 15-20-21:

(1) A full history of criminal offenses committed by the offender.

(2) Documentation of any treatment received for the mental abnormality or personality disorder of the offender.

(e) A sexually violent predator shall be required to verify his or her place of residence on a quarterly basis, rather than an annual basis as is generally provided in Section 15-20-24.

(f) A sexually violent predator, as a condition of the offender's release from incarceration, shall be subject to electronic monitoring and be required to pay the costs of such monitoring, as set forth in Section 15-20-26.1, for a period of no less than 10 years from the date the sexually violent predator's release. This requirement shall be imposed by the sentencing court as a part of the sexually violent predator's sentence, as provided in Sections 13A-5-6(c) and 15-20-26.1.

(g.) An intentional failure to comply with any provision of this section shall constitute a Class C Felony.

15-20-26 Adult Residency and Employment Restrictions

(a) Unless otherwise exempted by law, no adult criminal sex offender shall establish a residence or any other living accommodation or accept employment within 2,000 feet of the **property** on which any school or child care facility is located.

(b) Unless otherwise exempted by law, no adult criminal sex offender shall establish a residence or any other living accommodation within 1,000 feet of the property on which any of his or her former victims, or the victim's immediate family members reside.

(c) No adult criminal sex offender shall establish a residence or any other living accommodation where a minor resides. Notwithstanding the foregoing, an adult criminal sex offender may reside with a minor if the adult criminal sex offender is the parent, grandparent, or stepparent of the minor, unless one of the following conditions apply:

(1) The adult criminal sex offender's parental rights have been or are in the process of being terminated as provided by law.

(2) The adult criminal sex offender has been convicted of any criminal sex offense in which any of the offender's minor children, grandchildren, or stepchildren were the victim.

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

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

(d) No adult criminal sex offender shall be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as otherwise provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim or a member of the victim's immediate family.

(e) Changes to property within 2,000 feet of an adult criminal sex offender's registered address which occur after an adult criminal sex offender establishes residency or accepts employment shall not form the basis for finding that a criminal sex offender is in violation of subsections (a) or (b).

(f) No criminal sex offender, after having been convicted of a criminal sex offense involving a child, shall loiter on or within 500 feet of any property on which there is a school, child care facility, playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors. Under this subsection, "loiter" means to enter or remain on property while having no legitimate purpose therefore or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. An offender does not violate this subsection unless he or she has first been asked to leave a prohibited location by a person authorized to exclude the offender from the premises. An authorized person includes, but not be limited to, any law enforcement officer, any owner or manager of the premises, a principal or teacher if the premises is a school or child care facility, or a coach if the premises is an athletic field or facility.

(g) No adult criminal sex offender, after having been convicted of a criminal sex offense involving a child, shall accept, maintain, or carry on any employment or vocation at or within 500 feet of a school, child care facility, playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating or entertaining minors.

(h) An adult criminal sex offender who knowingly violates the provisions of this section shall be guilty of a Class C Felony.

15-20-26-1 Electronic Monitoring

(a) The Alabama Criminal Justice Information Center shall implement a system of active and passive electronic monitoring that identifies the location of a monitored person and

that can produce upon request reports or records of the person's presence near or within a crime scene or prohibited area, the person's departure from specified geographic limitations, or curfew violations by the offender. The Director of the Alabama Criminal Justice Information Center may promulgate any rules as are necessary to implement and administer this system of active electronic monitoring including establishing policies and procedures to notify the person's probation and parole officer or other court appointed supervising authority when a violation of his or her electronic monitoring restrictions has occurred.

(b) The Board of Pardons and Paroles or a court may require, as a condition of release on parole, probation, community corrections, Court Referral Officer supervision, pre-trial release, or any other community based punishment option, that any person charged or convicted of a criminal sex offense be subject to electronic monitoring as provided in subsection (a).

(c) Any person designated a sexually violent predator pursuant to Section 15-20-25.3 shall, upon release from incarceration, be subject to electronic monitoring supervised by the Board of Pardons and Paroles, as provided in subsection (a), for a period of no less than 10 years from the date of the sexually violent predator's release. This requirement shall be imposed by the sentencing court as a part of the sexually violent predator's sentence in accord with Section 13A-5-6(c).

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

(e) Any one subject to electronic monitoring pursuant to this section, unless he or she is indigent, shall be required to reimburse the supervising entity a reasonable fee to defray supervision costs. The Board of Pardons and Paroles, the sentencing court, or other supervising entity shall determine the amount to be paid based on the person's financial means and ability to pay, but such amount shall not exceed fifteen dollars (\$15) per day.

(f) The supervising entity shall pay ACJIC a fee, to be determined by ACJIC but not exceeding ten dollars (\$10) per day, to defray monitoring equipment and telecommunication costs.

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

15-20-26.2 Obtaining and Carrying Identification Card

(a) Every adult criminal sex offender who is a resident of this state shall obtain and always have on his or her possession either a valid driver's license or identification card issued by the Alabama Department of Public Safety. If any offender is ineligible to be issued a driver's license or official identification card, the Department of Public Safety shall provide the offender some other form of identification card or documentation that, if it is kept in the offender's possession, shall satisfy the requirements of this section. If any adult criminal sex offender is determined to be indigent, an identification card or other documentation in lieu thereof shall be issued to the offender at no cost. An adult criminal sex offender who knowingly violates this provision shall be guilty of a Class C Felony.

(b) Whenever the Department of Public Safety issues or renews a driver's license or identification card to an adult criminal sex offender, the driver's license or identification card shall bear a designation that enables law enforcement officers to identify the licensee as a criminal sex offender.

(c) This section shall become effective September 1, 2006.

15-20-27 Juvenile Sex Offender Treatment, DNA Submission

Upon adjudication of delinquency for a criminal sex offense, a juvenile criminal sex offender shall be required to receive sex offender treatment by a licensed sex offender treatment program and submit to the probation officer or sheriff a DNA sample that shall be sent to the Department of Forensic Sciences.

15-20-28 Juvenile Risk Assessment, Juvenile Notification

(a) Sixty days prior to the projected release of a juvenile criminal sex offender, the treatment provider shall provide a risk assessment of the juvenile to the sentencing court and the juvenile probation officer.

(b) Upon receiving the risk assessment, the juvenile probation officer shall immediately notify the state, and either the parent, guardian, or custodian of the juvenile criminal sex offender, or attorney for the juvenile criminal sex offender, of the pending release and provide them with the risk assessment.

(c) Unless otherwise ordered by the sentencing court, the juvenile criminal sex offender shall not be subject to notification upon release.

(d) Within thirty days of receiving the risk assessment, the state may petition the court to apply notification.

(e) No juvenile criminal sex offender shall be removed from the supervision of the court until such time as the juvenile criminal sex offender has completed treatment, the

treatment provider has filed a risk assessment with the court, and the state has had an opportunity to file a petition to apply notification.

(f) Upon receiving a petition to apply notification, the sentencing court shall conduct a hearing on the risk of the juvenile criminal sex offender to the community. The sentencing court may deny the petition or grant the petition based upon, but not limited to, the following factors relevant to the risk of re-offense:

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

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

(3) Criminal history factors indicative of high risk of re-offense, including whether the offender's conduct was found to be characterized by repetitive and compulsive behavior.

(4) Other criminal history factors to be considered in determining risk, including:

(a) The relationship between the offender and the victim.

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

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

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

(6) The offender's response to treatment.

(7) Recent behavior, including behavior while confined or while under supervision in the community as well as behavior in the community following service of sentence.

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

(g) If the court determines there is a need for notification, the level of notification to be applied shall be as follows:

(1) If the risk of re-offense is low, notification that the juvenile criminal sex offender will be establishing his or her residence shall be provided to the principal of the school where the juvenile criminal sex offender will attend after release. This notification shall include the offender's name, actual living address, date of birth, and a statement of the criminal sex offense for which he or she has been adjudicated delinquent, including the age and gender of the victim. This information shall be considered confidential by the

school and be shared only with the teachers and staff with supervision over the juvenile criminal sex offender. Whomever, except as specifically provided herein, directly or indirectly discloses or makes use of or knowingly permits the use of information concerning a child described in these subsections, upon conviction thereof, shall be guilty of a Class A Misdemeanor within the jurisdiction of the juvenile court.

(2) If the risk of re-offense is moderate, notification that the criminal sex offender will be establishing his or her residence shall be provided to all schools and child care facilities within three miles of the declared residence of the juvenile criminal sex offender. A community notification flyer shall be made by regular mail or hand delivered to all schools or child care facilities as required by this subsection. A flyer shall also be on file with the sheriff in the county of residence and made available for public inspection. No other method may be used to disseminate this information.

(3) If the risk of re-offense is high, the public shall receive notification as though the juvenile criminal sex offender were an adult in accordance with Section 15-20-25.

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

15-20-29 Juvenile Release, Juvenile Intent to Move, Juvenile Age of Majority

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

(1) The responsible agency shall require the parent, custodian, or guardian of the juvenile criminal sex offender to declare in writing the actual living address at which the juvenile criminal sex offender will reside upon release. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A Misdemeanor.

(2) If the parent, guardian, or custodian of the juvenile criminal sex offender declares an address outside of the state, the responsible agency shall, within five business days of the written declaration required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the parent, guardian, or custodian of the juvenile criminal sex offender has declared the actual living address. The notification shall include all information available to the responsible agency that would be necessary to identify and trace the juvenile criminal sex offender, including, but not limited to, the risk assessment and a current photograph of the juvenile criminal sex offender.

(3) If the parent, guardian, or custodian of the juvenile criminal sex offender declares an address within this state, the responsible agency shall, within five business days of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the parent, guardian, or custodian of the juvenile criminal sex offender has declared the actual address, and the chief of police of any municipality in which the parent, guardian, or custodian of the juvenile criminal sex offender has declared the actual living address. This notification

shall include all information available to the responsible agency that would be necessary to identify and trace the juvenile criminal sex offender, including, but not limited to, the risk assessment and a current photograph of the juvenile criminal sex offender.

(b) If the parent, custodian, or guardian of a juvenile criminal sex offender intends to transfer the residence of the juvenile criminal sex offender, or the custody of the juvenile criminal sex offender is changed to a different parent or guardian resulting in a transfer of residence, the original parent or guardian in custody shall declare in writing the actual living address of the intended new residence for the juvenile criminal sex offender and provide this information to the sheriff for the current residence at least 14 days prior to moving to the new location. The sheriff shall transfer the information to the Department of Public Safety and the sheriff of the county to which the juvenile criminal sex offender intends to move or the chief of police. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A Misdemeanor.

(c) When a juvenile criminal sex offender becomes the age of majority, the parent, guardian, or custodian of the juvenile criminal sex offender shall no longer be subject to the requirements under subsections (a) and (b), and the juvenile criminal sex offender shall instead be subject to Section 15-20-22 or Section 15-20-23 as though he or she were an adult criminal sex offender. Community notification, however, shall not be allowed, unless so ordered by the sentencing court.

15-20-30 Juvenile Verification of Residency

(a) Sixty days after a juvenile criminal sex offender's most current release and, except during ensuing periods of incarceration, thereafter on the anniversary date of a juvenile criminal sex offender's birthday occurring more than 90 days after the release, the Department of Public Safety shall mail a non-forwardable verification form to the address of the juvenile criminal sex offender addressed to the parent, guardian, or custodian of the juvenile criminal sex offender. The sheriff, or chief of police where applicable, where the juvenile criminal sex offender resides shall be notified of the pending verification and whether the verification form was received by the parent, guardian, or custodian of the juvenile criminal sex offender.

(b) Within 10 days of the receipt of the verification form, the parent, guardian, or custodian of the juvenile criminal sex offender, accompanied by the juvenile criminal sex offender, shall present in person the completed verification form to the sheriff, or chief of police where applicable, who shall obtain fingerprints and a photograph of the juvenile criminal sex offender. The verification form shall be signed by the parent, guardian, or custodian of the juvenile criminal sex offender and shall state that the juvenile criminal sex offender still resides at that address.

(c) Within 30 days of the annual date of the juvenile criminal sex offender's address verification, the Department of Public Safety shall, in accordance with guidelines promulgated by the Department of Public Safety, receive from the appropriate sheriff or chief of police verification of the juvenile criminal sex offender's address. Such

guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individuals.

(d) A parent, guardian, or custodian of a juvenile criminal sex offender who fails to present in person a completed verification form to the sheriff, or chief of police where applicable, within 10 days, or knowingly fails to permit law enforcement personnel to obtain fingerprints or a photograph of the juvenile criminal sex offender shall have committed a Class C Felony.

15-20-31 Youthful Offenders

For the purposes of this article, if a youthful offender criminal sex offender has not been previously adjudicated for a criminal sex offense, he or she shall be considered a juvenile criminal sex offender. If a youthful offender criminal sex offender has been previously adjudicated or convicted of a criminal sex offense, he or she shall be treated as an adult criminal sex offender. A youthful offender criminal sex offender who is treated as a juvenile criminal sex offender for purposes of this article may not be released from the jurisdiction of the sentencing court until the offender has undergone sex offender treatment and a risk assessment as required by Sections 15-20-27 and 15-20-28.

15-20-32 Escape

In the case in which any criminal sex offender escapes from a state or local correctional facility, juvenile detention facility, or any other facility that would permit unsupervised access to the public, the responsible agency shall, within 24 hours, notify the Department of Public Safety, the sheriff and the chief of police having had jurisdiction at the time of the criminal sex offense conviction or adjudication, informing such of the name and aliases of the criminal sex offender, of time remaining to be served, if any, on the full term for which the criminal sex offender was incarcerated, and the nature of the crime for which he or she was sentenced, transmitting at the same time a copy of such criminal sex offender's fingerprints and current photograph and a summary of his or her criminal record.

15-20-33 Time Limits

(a) Any adult criminal sex offender shall be subject to this article for life.

(b) A juvenile criminal sex offender, whether having been incarcerated or not, who resides within this state, shall be subject to this article for a period of ten years from the last date of release. A juvenile criminal sex offender who is subsequently convicted as an adult criminal sex offender within the ten-year period shall be considered solely an adult criminal sex offender.

(c) Nothing in this article shall preclude any criminal sex offender from registering in accordance with Section 13A-11-200; however, such registration unless otherwise proscribed by this article does not trigger public notification.

15-20-34 Victim Identification

(a) Any notice provided to the community pursuant to this article shall not contain the name or any other information identifying the victim.

(b) If the last known address of a victim is in the State of Alabama, the responsible agency shall notify the Attorney General's Office of Victim Assistance and they shall send a notice to the victim that the criminal sex offender will be released and the location at which the criminal sex offender intends to reside.

The Board of Pardons and Paroles shall furnish the Attorney General's Office of Victim Assistance with any victim information for victims whose offenders are subject to this article. The Attorney General's Office of Victim Assistance shall notify the victims who file a written request to be notified of a criminal sex offender's pending release. This request may be made on a form provided by the Attorney General's Office of Victim Assistance. The Attorney General's Office of Victim Assistance shall send a notice to the address provided on the form notifying the victim that the criminal sex offender will be released and the location at which the criminal sex offender will reside. It shall be the responsibility of the victim to inform the Attorney General's Office of Victim Assistance if the victim's address or any other pertinent information on the notice request changes. If the notice sent by the Attorney General's Office of Victim Assistance is returned as undeliverable, no further action shall be required of the Attorney General's Office of Victim Assistance.

15-20-35 Public Safety's Role, Criminal Information

(a) The responsible agency shall cooperate with the Director of the Department of Public Safety in a reasonable manner that enables the Department of Public Safety to prepare a criminal sex offender release notification form, designed by the Department of Public Safety.

(b) The information collected or maintained by the Department of Public Safety, sheriff, or police department under this article shall be used to track the locations and movements of criminal sex offenders in this state and shall be disclosed to any of the following:

(1) Federal, state, and local criminal justice agencies for law enforcement purposes and community notification in accordance with Section 15-20-22 or another state's similar provision.

(2) Federal, state, and local governmental agencies responsible for conducting employment-related confidential background checks.

(c) The information in this section may be made available through the Alabama Criminal Justice Information Center information systems and the National Crime Information Center network for criminal justice purposes or any other purpose authorized by law.

(d) No existing state laws, including, but not limited to, statutes that would otherwise make juvenile and youthful offender records confidential, shall preclude the disclosure of any information requested by a responsible agency, a law enforcement officer, a criminal justice agency, the Attorney General's Office, or a district attorney for purposes of administering, implementing, or enforcing this article.

15-20-36 Name Change

No criminal sex offender shall be allowed to change his or her name unless the change is incident to a change in the marital status of the criminal sex offender or is necessary to effect the exercise of religion of the criminal sex offender. Such a change must be reported to the sheriff of the county in which the criminal sex offender resides within 30 days of the effective date of the change. If the criminal sex offender is subject to the notification provision of this article, the reporting of a name change under this section shall invoke notification.

15-20-37 No Cause of Action Against Alabama Officials

Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this article or the failure to perform any duty imposed by this article.

15-20-38 Administrative Hearings

(a) The Director of the Department of Public Safety shall promulgate rules establishing an administrative hearing procedure for individuals who are made subject to this article pursuant to paragraph 1 of subdivision (4) of Section 15-20-21

(b) The Director of the Department of Public Safety shall promulgate rules setting forth a listing of offenses from other jurisdictions that are to be considered criminal sex offenses under paragraph 1 of subdivision (4) of Section 15-20-21. Thereafter, any individual convicted of any offense set forth in the listing shall immediately be subject to this article and shall not be entitled to an administrative hearing as provided in subsection (a).

(c) The Director of the Department of Public Safety shall have authority to promulgate any rules that are necessary to implement and enforce the provisions of this article.