

HOUSE BILL NO. 252

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RYAN

Introduced: 4/16/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal records; relating to notice about and registration of
2 sex offenders and child kidnappers; and amending Rules 11(c) and 32(c), Alaska
3 Rules of Criminal Procedure."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 11.56.840 is amended to read:

6 **Sec. 11.56.840. Failure to register as a sex offender or child kidnapper.**

7 **(a)** A person commits the crime of failure to register as a sex offender or child
8 kidnapper if the person [WHO] knowingly fails to (1) register, (2) file the written
9 notice of change of address, [OR] (3) file the annual or quarterly written notice,
10 verification, or statement, or (4) or supply all of the information required to be
11 submitted under (1) - (3) of this subsection, as required in AS 12.63.010.

12 **(b)** Failure to register as a sex offender or child kidnapper is [, IS
13 GUILTY OF] a class C felony [CLASS A MISDEMEANOR].

14 * Sec. 2. AS 12.55.148 is amended to read:

1 **Sec. 12.55.148. Judgment for sex offenses or child kidnappings.** (a) When
 2 a defendant is convicted of a sex offense or child kidnapping by a court of this state,
 3 the written judgment must set out the requirements of AS 12.63.010.

4 (b) In this section, "sex offense" and "child kidnapping" have [HAS] the
 5 meanings [MEANING] given in AS 12.63.100.

6 * **Sec. 3.** AS 12.62.160(b)(10) is amended to read:

7 (10) current offender information and past conviction information relating
 8 to a serious offense, a sex offense, or a child kidnapping, may be provided to an
 9 interested person if the information is requested for the purpose of determining whether
 10 to grant a person supervisory or disciplinary power over a minor or dependent adult;
 11 in this paragraph, "sex offense" and "child kidnapping" have the meanings given
 12 in AS 12.63.100; and

13 * **Sec. 4.** AS 12.63.010(a) is amended to read:

14 (a) A sex offender or child kidnapper who is physically present in the state
 15 shall register as provided in this section. The sex offender or child kidnapper shall
 16 register within

17 (1) three [SEVEN] days of release from an in-state correctional
 18 facility;

19 (2) three [SEVEN] days of conviction for a sex offense or child
 20 kidnapping if the sex offender or child kidnapper is not sentenced to a term of
 21 incarceration; or

22 (3) seven [14] days of becoming physically present in the state, except
 23 the sex offender or child kidnapper shall register within three [SEVEN] days of
 24 becoming physically present in the state if the sex offender or child kidnapper

25 (A) is a probationer or parolee being supervised by the state as
 26 the receiving state under AS 33.36.110 - 33.36.120; or

27 (B) has been released from an out-of-state correctional facility
 28 where the sex offender or child kidnapper was serving a term of incarceration
 29 for a sex offense or child kidnapping conviction in this state.

30 * **Sec. 5.** AS 12.63.010(b) is amended to read:

31 (b) A sex offender or child kidnapper required to register under (a) of this

1 section shall register in person at the Alaska state trooper post or municipal police
 2 department located nearest to where the sex offender **or child kidnapper** resides at the
 3 time of registration. To fulfill the registration requirement, the sex offender **or child**
 4 kidnapper shall

5 (1) complete a registration form that includes, at a minimum, the sex
 6 offender's **or child kidnapper's** name, address, place of employment, date of birth,
 7 each conviction for a sex offense **or child kidnapping** for which the duty to register
 8 has not terminated under AS 12.63.020, date of sex offense **or child kidnapping**
 9 convictions, place and court of sex offense **or child kidnapping** convictions, **the date**
 10 **the sex offender or child kidnapper was unconditionally discharged from a**
 11 **conviction for a sex offense or child kidnapping**, all aliases used, [AND] driver's
 12 license number, **description and license numbers of motor vehicles the sex offender**
 13 **or child kidnapper has access to regardless of whether that access is regular or**
 14 **not, any identifying features of the sex offender or child kidnapper, anticipated**
 15 **changes of address, and a statement concerning whether the offender or**
 16 **kidnapper has had treatment for a mental abnormality or personality disorder**
 17 **since the date of conviction for an offense requiring registration under this**
 18 **chapter;**

19 (2) allow the Alaska state troopers or municipal police to take a
 20 complete set of the sex offender's **or child kidnapper's** fingerprints and to take the
 21 sex offender's **or child kidnapper's** photograph.

22 * **Sec. 6.** AS 12.63.010(c) is amended to read:

23 (c) If a sex offender **or child kidnapper** changes residence within the state
 24 after having registered under (a) of this section, the sex offender **or child kidnapper**
 25 shall provide written notice of the change to the Alaska state trooper post or municipal
 26 police department located nearest to the new residence within **five** [10] days of the
 27 change.

28 * **Sec. 7.** AS 12.63.010(d) is amended to read:

29 (d) A sex offender **or child kidnapper** required to register
 30 **(1) for 15 years** under (a) of this section **and AS 12.63.020(a)(2)** shall,
 31 annually, during the term of a duty to register under AS 12.63.020, on a date set by

1 the department at the time of the sex offender's **or child kidnapper's** initial
 2 registration, provide written **verification** [NOTICE] to the department, **in the manner**
 3 **required by the department,** of **the sex offender's or child kidnapper's address**
 4 **and** any changes to the information **previously** [INITIALLY] provided under (b)(1)
 5 of this section;

6 **(2) for life under (a) of this section and AS 12.63.020(a)(1) shall, not**
 7 **less than quarterly, on a date set by the department, provide written verification**
 8 **to the department, in the manner required by the department, of the sex**
 9 **offender's or child kidnapper's address and any changes to the information**
 10 **previously provided under (b)(1) of this section** [, OR IF THERE ARE NO
 11 CHANGES, A STATEMENT TO THAT EFFECT].

12 * **Sec. 8.** AS 12.63.010 is amended by adding a new subsection to read:

13 (f) The registration form required to be submitted under (b) of this section and
 14 the annual or quarterly verifications must be sworn to by the offender or kidnapper and
 15 contain an admonition that a false statement may subject the offender or kidnapper to
 16 prosecution for perjury.

17 * **Sec. 9.** AS 12.63.020 is amended to read:

18 **Sec. 12.63.020. Duration of sex offender or child kidnapper duty to**
 19 **register.** (a) The duty of a sex offender **or child kidnapper** to comply with the
 20 requirements of AS 12.63.010 for each sex offense **or child kidnapping**

21 (1) continues for the lifetime of a sex offender **or child kidnapper**
 22 convicted of

23 **(A) one aggravated sex offense; or**

24 **(B) two or more sex offenses, two or more child kidnappings,**
 25 **or one sex offense and one child kidnapping;**

26 (2) ends 15 years following the sex offender's **or child kidnapper's**
 27 unconditional discharge from a conviction for a single sex offense **that is not an**
 28 **aggravated sex offense or a single child kidnapping; the registration period under**
 29 **this paragraph**

30 **(A) is tolled for each year that a sex offender or child**
 31 **kidnapper fails to comply with the requirements of this chapter; and**

1 **(B) may include the time a sex offender or child kidnapper**
 2 **has complied with the sex offender or child kidnapper registration**
 3 **requirements of another jurisdiction if the sex offender or child kidnapper**
 4 **provides the department with proof of compliance while the sex offender**
 5 **or child kidnapper was absent from this state.**

6 (b) The department shall adopt, by regulation, procedures to notify a sex
 7 offender **or child kidnapper** who, on the registration form under AS 12.63.010, lists
 8 a conviction for a sex offense **or child kidnapping** that is a violation of a former law
 9 of this state or a law of another jurisdiction, of the duration of the offender's **or**
 10 **kidnapper's** duty under (a) of this section for that sex offense **or child kidnapping.**
 11 **As a part of those regulations, the department shall require the offender or**
 12 **kidnapper to supply proof of unconditional discharge and the date it occurred.**

13 * **Sec. 10.** AS 12.63 is amended by adding new sections to read:

14 **Sec. 12.63.030. Notification of other jurisdictions.** (a) If a sex offender or
 15 child kidnapper notifies the department that the sex offender or child kidnapper is
 16 moving from the state, the department shall notify the Federal Bureau of Investigation
 17 and the state where the sex offender or child kidnapper is moving of the sex offender's
 18 or child kidnapper's intended address.

19 (b) If a sex offender or child kidnapper fails to register or to verify the sex
 20 offender's or child kidnapper's address and registration under this chapter, or the
 21 department does not know the location of a sex offender or child kidnapper required
 22 to register under this chapter, the department shall immediately notify the Federal
 23 Bureau of Investigation.

24 **Sec. 12.63.040. Alaska Court System to supply information.** The executive
 25 director of the Alaska Court System shall at least biennially prepare and provide to the
 26 Department of Public Safety a list of those persons convicted of a sex offense or child
 27 kidnapping in the state in that period to assist the Department of Public Safety in
 28 enforcing the provisions of this chapter.

29 * **Sec. 11.** AS 12.63.100(2) is amended to read:

30 (2) "sex offender **or child kidnapper**" means a person convicted of a
 31 sex offense **or child kidnapping** in this state or another jurisdiction regardless of

1 whether the conviction occurred before, after, or on August 10, 1994;

2 * **Sec. 12.** AS 12.63.100(3) is amended to read:

3 (3) "sex offense" means a crime, or an attempt, **solicitation, or**
 4 **conspiracy** to commit a crime, under **the following statutes or a similar law of**
 5 **another jurisdiction:**

6 (A) AS 11.41.410 - 11.41.438, **11.41.440(a)(2)**, 11.41.450, **or**
 7 11.41.455;

8 (B) [,] AS 11.61.125;

9 (C) [,] AS 11.66.110 **or 11.66.130(a)(2) if the person who was**
 10 **induced or caused to engage in prostitution was 16 or 17 years of age at**
 11 **the time of the offense; or**

12 (D) [,] former AS 11.15.120, **former** [OR] 11.15.134, **or**
 13 **assault with the intent to commit rape under former AS 11.15.160**, [OR]
 14 former AS 11.40.110, or 11.40.200 [, OR A SIMILAR LAW IN ANOTHER
 15 JURISDICTION];

16 * **Sec. 13.** AS 12.63.100 is amended by adding new paragraphs to read:

17 (5) "aggravated sex offense" means a crime, or an attempt to commit
 18 a crime, under AS 11.41.410, 11.41.434, or a similar law of another jurisdiction;

19 (6) "child kidnapping" means a crime or an attempt, solicitation, or
 20 conspiracy to commit a crime, under AS 11.41.300, or a similar law of another
 21 jurisdiction, if the victim was under 18 years of age at the time of the offense.

22 * **Sec. 14.** AS 18.65.087(a) is amended to read:

23 (a) The Department of Public Safety shall maintain a central registry of sex
 24 offenders **and child kidnappers** required to register under AS 12.63.010 and shall
 25 adopt regulations necessary to carry out the purposes of this section and AS 12.63. A
 26 post of the Alaska state troopers or a municipal police department that receives
 27 information under AS 12.63.010 shall forward the information within five working
 28 days of receipt to the central registry of sex offenders **and child kidnappers**.

29 * **Sec. 15.** AS 18.65.087(b) is amended to read:

30 (b) Information about a sex offender **or child kidnapper** that is contained in
 31 the central registry, including sets of fingerprints, is confidential and not subject to

1 public disclosure except as to the sex offender's **or child kidnapper's** name, address,
 2 photograph, place of employment, date of birth, crime for which convicted, date of
 3 conviction, place and court of conviction, and length of sentence.

4 * **Sec. 16.** AS 18.65.087(d) is amended to read:

5 (d) The Department of Public Safety

6 (1) shall adopt regulations to

7 (A) allow a sex offender **or child kidnapper** to review sex
 8 offender **or child kidnapper** registration information that refers to that sex
 9 offender **or child kidnapper**, and if the sex offender **or child kidnapper**
 10 believes the information is inaccurate or incomplete, to request the department
 11 to correct the information; if the department finds the information is inaccurate
 12 or incomplete, the department shall correct or supplement the information;

13 (B) ensure the appropriate circulation to law enforcement
 14 agencies of information contained in the central registry;

15 **(C) provide for the publication at least biennially in a**
 16 **newspaper of statewide circulation the name and address of each offender**
 17 **or kidnapper required to register under AS 12.63.010;**

18 **(D) to ensure the anonymity of members of the public who**
 19 **request information under this section;**

20 (2) shall provide to municipal police departments the forms and
 21 directions necessary to allow sex offenders **and child kidnappers** to comply with
 22 AS 12.63.010;

23 (3) may adopt regulations to establish fees to be charged for registration
 24 under AS 12.63.010 and for information requests; the fee for registration shall be based
 25 upon the actual costs of performing the registration and maintaining the central registry
 26 but may not be set at a level whereby registration is discouraged; the fee for an
 27 information request may not be greater than \$10;

28 (4) shall remove from the central registry of sex offenders **and child**
 29 **kidnappers** under AS 18.65.087 information about a sex offender **or child kidnapper**
 30 required to register under AS 12.63.020(a)(2) at the end of the sex offender's **or child**
 31 **kidnapper's** duty to register if the offender **or kidnapper** has not been convicted of

1 another sex offense **or child kidnapping**; in this paragraph, "sex offense **or child**
 2 **kidnapping**" has the meaning given in AS 12.63.100.

3 * **Sec. 17.** AS 18.65.087 is amended by adding new subsections to read:

4 (e) The name, address, and other identifying information of a member of the
 5 public who makes an information request under this section is not a public record
 6 under AS 09.25.100 - 09.25.220.

7 (f) When a sex offender or child kidnapper registers under AS 12.63, the
 8 Department of Public Safety shall make reasonable attempts to verify that the sex
 9 offender or child kidnapper is residing at the registered address. Reasonable attempts
 10 at verifying an address must include at a minimum sending certified mail with return
 11 receipt requested, to the offender or kidnapper at the registered address and, if the
 12 returned receipt is not signed by the offender or kidnapper, by personally contacting
 13 the persons residing at the registered address. The department shall make reasonable
 14 efforts to locate an offender or kidnapper who cannot be located at the registered
 15 address.

16 * **Sec. 18.** AS 33.30.012 is amended to read:

17 **Sec. 33.30.012. Notice of release, parole, community placement, work**
 18 **release placement, furlough or escape of sex offender or child kidnapper.** (a) At
 19 the earliest possible date, and in no event later than 10 days before release **of a sex**
 20 **offender or child kidnapper with a duty to register under AS 12.63**, the
 21 commissioner shall complete the registration of the sex offender **or child kidnapper**,
 22 **take the sex offender's or child kidnapper's photograph**, and **determine if legible**
 23 **fingerprints of the sex offender or child kidnapper have been previously provided**
 24 **to the Department of Public Safety; if legible fingerprints have not previously**
 25 **been provided to the Department of Public Safety, the commissioner shall obtain**
 26 **the sex offender's or child kidnapper's fingerprints in the manner required by the**
 27 **Department of Public Safety and shall immediately forward the fingerprints to the**
 28 **department. When completing the registration under this subsection, the**
 29 **commissioner shall also** send written notice of release, parole, community placement,
 30 work release placement, or furlough of a **sex offender or child kidnapper** [SPECIFIC
 31 INMATE CONVICTED OF A SEX OFFENSE] to:

1 (1) the chief of police of the community, if any, in which the inmate
2 will reside;

3 (2) the Alaska state trooper post located nearest to where the inmate
4 will reside; [AND]

5 (3) the village public safety officer of the rural community without a
6 municipal police department or Alaska state trooper post in which the inmate will
7 reside; **and**

8 **(4) the Department of Public Safety.**

9 (b) If an inmate convicted of a sex offense **or child kidnapping** escapes from
10 a correctional facility, the commissioner shall immediately notify the chief of police
11 of the community and Alaska state trooper post located closest to where the inmate
12 resided immediately before the inmate's arrest and conviction.

13 * **Sec. 19.** AS 33.30.035 is amended to read:

14 **Sec. 33.30.035. Notice to sex offenders or child kidnappers of registration**
15 **requirement.** The department shall provide written notice to a sex offender **or child**
16 **kidnapper** of the registration requirements of AS 12.63.010 [,] and shall obtain a
17 **written [SIGNED ACKNOWLEDGMENT OF]** receipt of notice from the sex offender
18 **or child kidnapper** [(1) AT THE TIME OF THE SEX OFFENDER'S RELEASE
19 FROM A STATE CORRECTIONAL FACILITY; (2)] immediately after taking
20 supervision of a sex offender **or child kidnapper** under the Interstate Corrections
21 Compact or AS 33.36.110. **The department shall forward the written receipt to the**
22 **Department of Public Safety, along with a description of any identifying features**
23 **of the offender or kidnapper, the anticipated address of the offender or**
24 **kidnapper, and a statement concerning whether the offender or kidnapper has**
25 **received treatment for the offender's or kidnapper's mental abnormality or**
26 **personality disorder related to the sex offense or child kidnapping. In this**
27 **section, "sex offense or child kidnapping" has the meaning given in AS 12.63.100.**

28 * **Sec. 20.** AS 33.30.901(13) is amended to read:

29 (13) "sex offender **or child kidnapper**" and "sex offense" and "child
30 **kidnapping**" have [" HAS] the meanings given in AS 12.63.100.

31 * **Sec. 21.** AS 44.41.020 is amended by adding a new subsection to read:

1 (e) The Department of Public Safety shall adopt regulations to allow
2 persons entitled to access under AS 12.62.160(b)(10) information maintained by the
3 department to obtain, consistent with federal law, similar information maintained by
4 the United States government.

5 * **Sec. 22.** COURT RULES. The provisions of AS 12.55.148, amended by sec. 2 of this
6 Act, have the effect of changing Alaska Rules of Criminal Procedure 11(c) and 32(c) relating
7 to judgment and sentences for defendants convicted of sex offenses or child kidnappings.

8 * **Sec. 23.** APPLICABILITY. (a) A sex offender or child kidnapper with (1) one
9 conviction for an aggravated sex offense, (2) two or more convictions for a sex offense or
10 child kidnapping, or (3) one conviction for a child kidnapping and one conviction for a sex
11 offense regardless of whether the offender or kidnapper has been unconditionally discharged
12 from that conviction or convictions before the effective date of this Act, shall register under
13 AS 12.63.010, amended by secs. 4 - 7 of this Act, by the 60th day after the effective date of
14 this Act. A sex offender or child kidnapper with only one conviction for a sex offense that
15 is not an aggravated sex offense or only one conviction for a child kidnapping who was
16 unconditionally discharged from that offense before July 1, 1984, does not have to register
17 under this Act. A sex offender or child kidnapper with only one conviction for a sex offense
18 that is not an aggravated sex offense or only one conviction for a child kidnapping who was
19 required to register under sec. 12, ch. 41, SLA 1994, shall continue to register as provided by
20 AS 12.63.010, amended by secs. 4 - 7 of this Act.

21 (b) A conviction for a sex offense or child kidnapping before the effective date of this
22 Act is a sex offense or child kidnapping for purposes of the duration of registration
23 requirement of AS 12.63.020(a), amended by sec. 9 of this Act.

24 (c) In this section, "aggravated sex offense," "sex offender or child kidnapper," "sex
25 offense," and "child kidnapping" have the meanings given in AS 12.63.100, amended by
26 secs. 11 - 13 of this Act.