

**SENATE BILL NO. 132**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/12/97

Referred: HESS, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to registration of sex offenders and central registry of sex  
2 offenders; relating to access to, release of, and use of criminal justice  
3 information and systems; relating to notices concerning sex offender registrants;  
4 and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 11.56.840 is amended by adding a new subsection to read:

7 (b) A person who fails to comply with the requirements of AS 12.63.010,  
8 12.63.020, AS 18.65.087(d), or the regulations adopted under AS 18.65.087(d) for  
9 address verification of a sex offender who must register for life is guilty of a violation.

10 \* **Sec. 2.** AS 12.62.160(b)(8) is amended to read:

11 (8) current offender information **and past conviction information** may  
12 be provided to a person for any purpose, except that information may not be released  
13 if the release of the information would unreasonably compromise the privacy of a  
14 minor or vulnerable adult;

1 \* **Sec. 3.** AS 12.62 is amended by adding a new section to read:

2           **Sec. 12.62.165. Access to national criminal history system information by**  
 3 **an interested party.** An interested person may request the department to obtain  
 4 criminal history record information from the national criminal history system about an  
 5 applicant. As part of the request, the interested person shall submit the applicant's  
 6 fingerprints. The department may provide the criminal history record information to  
 7 an interested person who is a government entity. If the interested person is not a  
 8 government entity, the department may

9                   (1) provide the criminal history record information to a government  
 10 entity that is authorized by state statute or municipal ordinance to obtain the criminal  
 11 history record information of the applicant; the government entity may not release the  
 12 information received, but may inform the interested person if the information received  
 13 contains criminal history record information relating to a serious offense; or

14                   (2) if no government entity other than the department is authorized to  
 15 obtain the criminal history record information, inform the interested person if the  
 16 information received contains criminal history record information relating to a serious  
 17 offense.

18 \* **Sec. 4.** AS 12.62.900(14) is amended to read:

19                   (14) "current offender information" means information showing that an  
 20 identifiable person

21                           (A) is currently under arrest for or is charged with a crime and

22                                   (i) prosecution is under review or has been deferred by  
 23 written or oral agreement;

24                                   (ii) a warrant exists for the person's arrest; or

25                                   (iii) less than a year has elapsed since the date of the  
 26 arrest or filing of the charges, whichever is latest;

27                           (B) is currently released on bail or on other conditions imposed  
 28 by a court in a criminal case, either pretrial or post-trial, including the  
 29 conditions of the release; **or**

30                           (C) is currently serving a criminal sentence or is under the  
 31 custody of the commissioner of corrections for supervision purposes; "current

1 offender information" under this subparagraph includes

2 [(i) THE TERMS AND CONDITIONS OF ANY  
3 SENTENCE, PROBATION, SUSPENDED IMPOSITION OF  
4 SENTENCE, DISCRETIONARY OR MANDATORY PAROLE,  
5 FURLOUGH, EXECUTIVE CLEMENCY, OR OTHER RELEASE;  
6 AND

7 (ii)] the location of any place of incarceration, halfway  
8 house, restitution center, or other correctional placement to which the  
9 person is assigned[; OR

10 (D) HAS HAD A CRIMINAL CONVICTION OR SENTENCE  
11 REVERSED, VACATED, SET ASIDE, OR HAS BEEN THE SUBJECT OF  
12 EXECUTIVE CLEMENCY];

13 \* **Sec. 5.** AS 12.62.900(20) is amended to read:

14 (20) "past conviction information" means information showing that an  
15 identifiable person [WHO HAS BEEN UNCONDITIONALLY DISCHARGED] has  
16 previously been convicted of a crime; "past conviction information" includes

17 (A) the terms of any sentence, probation, suspended imposition  
18 of sentence, [OR] discretionary or mandatory parole, **furlough, executive**  
19 **clemency, or other release**; and

20 (B) information that a criminal conviction or sentence has been  
21 reversed, vacated, set aside, or been the subject of executive clemency;

22 \* **Sec. 6.** AS 12.62.900(23) is amended to read:

23 (23) "serious offense" means a conviction for a felony offense, a crime  
24 involving domestic violence, or a violation or attempted violation of any of the  
25 following laws, or of the laws of another jurisdiction with substantially similar  
26 elements:

27 (A) AS 11.41.410 - 11.41.470;

28 (B) **AS 11.51.130** [AS 11.51.130(a)(1), (3), OR (5)];

29 (C) AS 11.61.110(a)(7);

30 (D) AS 11.66.100 - 11.66.130; or

31 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -

1 11.40.420, if committed before January 1, 1980;

2 \* **Sec. 7.** AS 12.62.900 is amended by adding new paragraphs to read:

3 (25) "applicant" means a natural person who is or seeks to be employed,  
4 appointed, or permitted to serve with or without compensation in a position in which  
5 the person will have supervisory or disciplinary power over a minor or a dependent  
6 adult;

7 (26) "national criminal history system" means the criminal history record  
8 system maintained by the Federal Bureau of Investigation.

9 \* **Sec. 8.** AS 12.63.010(b) is amended to read:

10 (b) A sex offender required to register under (a) of this section shall register  
11 in person at the Alaska state trooper post or municipal police department located  
12 nearest to where the sex offender resides at the time of registration. To fulfill the  
13 registration requirement, the sex offender shall

14 (1) complete a registration form that includes, at a minimum, the sex  
15 offender's name, address, place of employment, date of birth, each conviction for a sex  
16 offense for which the duty to register has not terminated under AS 12.63.020, date of  
17 sex offense convictions, place and court of sex offense convictions, all aliases used,  
18 [AND] driver's license number, a description of physical identifying features, any  
19 anticipated future residence, and a statement concerning whether the offender has  
20 had treatment for a mental abnormality or personality disorder since the date  
21 of conviction for an offense requiring registration under this chapter;

22 (2) allow the Alaska state troopers or municipal police to take [A  
23 COMPLETE SET OF] the sex offender's fingerprints and [TO TAKE THE SEX  
24 OFFENDER'S] photograph.

25 \* **Sec. 9.** AS 12.63.010 is amended by adding a new subsection to read:

26 (f) A sex offender required to register for life under (a) of this section and  
27 AS 12.63.020(a)(1) shall comply with the requirements of the department adopted  
28 under AS 18.65.087(d) for verification of the sex offender's address.

29 \* **Sec. 10.** AS 12.63.020(a) is amended to read:

30 (a) The duty of a sex offender to comply with the requirements of  
31 AS 12.63.010 for each sex offense

1 (1) continues for the lifetime of a sex offender convicted of two or  
2 more sex offenses, or a single sex offense under AS 11.41.410 or 11.41.434;

3 (2) continues for 15 years following the date of registration unless  
4 the sex offender must register for life under (1) of this subsection; the registration  
5 period under this paragraph

6 (A) is tolled for a year in which an offender fails to comply  
7 with AS 12.63.010(c) or (d); and

8 (B) may include the time a sex offender has complied with  
9 the sex offender registration requirements of another state or the Federal  
10 Bureau of Investigation if the sex offender provides the department with  
11 proof of compliance during a period of absence from the state [ENDS 15  
12 YEARS FOLLOWING THE SEX OFFENDER'S UNCONDITIONAL  
13 DISCHARGE FROM A CONVICTION OF A SINGLE SEX OFFENSE].

14 \* **Sec. 11.** AS 12.63.100(3) is amended to read:

15 (3) "sex offense" means a crime, or an attempt or solicitation to commit  
16 a crime, under

17 (A) AS 11.41.300 if the victim was under 18 years of age at  
18 the time of the offense;

19 (B) AS 11.41.410 - 11.41.438; [,]

20 (C) AS 11.41.440(a)(2);

21 (D) AS 11.41.450 - 11.41.455; [11.41.450, 11.41.455]

22 (E) AS 11.61.125; [,]

23 (F) AS 11.66.110; [,]

24 (G) AS 11.66.130(a)(2) if the person who was induced or  
25 caused to engage in prostitution was 16 or 17 years of age at the time of  
26 the offense;

27 (H) former AS 11.15.120 or 11.15.134; [, OR]

28 (I) assault with intent to commit rape under former  
29 AS 11.15.160;

30 (J) former AS 11.40.110 or 11.40.200; [,] or

31 (K) a [SIMILAR] law in another jurisdiction similar to those

1 described in (A) - (G) of this section;

2 \* **Sec. 12.** AS 18.65.087(c) is amended to read:

3 (c) Notwithstanding (b) of this section, if a sex offender has been convicted  
4 in this state or another jurisdiction of a sex offense identified as "incest," that offense  
5 may be disclosed under (b) of this section only as a "felony sexual abuse [OF A  
6 MINOR]" conviction.

7 \* **Sec. 13.** AS 18.65.087(d) is amended to read:

8 (d) The Department of Public Safety

9 (1) shall adopt regulations to

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

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

17 (C) provide for notification to the Federal Bureau of  
18 Investigation and to the Alaska state trooper post or the municipal police  
19 department located nearest to the new residence of the sex offender if a sex  
20 offender has given notice of change of address within the state;

21 (D) provide for notification, if a sex offender has given  
22 notice of change of residence to another state, to the Federal Bureau of  
23 Investigation and to the agency responsible for sex offender registration in  
24 the state where the sex offender intends to establish residence if that state  
25 has a sex offender registration program;

26 (E) provide for address verification by a sex offender every  
27 90 days if the sex offender is required to register for life under  
28 AS 12.63.020(a)(1);

29 (F) provide for immediate notification to the Federal Bureau  
30 of Investigation if the department does not receive the address verification  
31 required under (E) of this paragraph or has no knowledge of the location

1                   **of a sex offender required to register under AS 12.63.010;**

2                   (2) shall provide to municipal police departments the forms and  
3 directions necessary to allow sex offenders to comply with AS 12.63.010;

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

9                   (4) shall remove from the central registry of sex offenders under  
10 AS 18.65.087 information about a sex offender required to register under  
11 AS 12.63.020(a)(2) at the end of the sex offender's duty to register if the offender has  
12 not been convicted of another sex offense; in this paragraph, "sex offense" has the  
13 meaning given in AS 12.63.100.

14 \* **Sec. 14.** AS 18.65.087 is amended by adding a new subsection to read:

15                   (e) The department and other law enforcement agencies in the state shall make  
16 every reasonable effort to meet the obligations of this section. However, a failure to  
17 meet the obligations does not give rise to a cause of action against those agencies,  
18 other officers or agencies in the state, or a political subdivision of the state.

19 \* **Sec. 15.** AS 33.30.012(a) is amended to read:

20                   (a) **Before the release of a sex offender required to register under**  
21 **AS 12.63.010, the commissioner shall determine whether legible fingerprints have**  
22 **been provided to the Department of Public Safety for each sex offense for which**  
23 **the sex offender is required to register. If not already provided, the commissioner**  
24 **shall obtain the fingerprints in the manner required by the Department of Public**  
25 **Safety and forward them to the Department of Public Safety. Within 10 days**  
26 **before release of a sex offender, the commissioner shall notify the sex offender in**  
27 **writing of the requirement to register under AS 12.63.010, obtain written**  
28 **verification of the notification, and send the verification to the Department of**  
29 **Public Safety. The** [AT THE EARLIEST POSSIBLE DATE, AND IN NO EVENT  
30 LATER THAN 10 DAYS BEFORE RELEASE, THE] commissioner shall  
31 [COMPLETE THE REGISTRATION OF THE SEX OFFENDER AND] send written

1 notice of release, parole, community placement, work release placement, or furlough  
2 of **the sex offender** [A SPECIFIC INMATE CONVICTED OF A SEX OFFENSE] to:

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

5 (2) the Alaska state trooper post located nearest to where the inmate  
6 will reside; and

7 (3) the village public safety officer of the rural community without a  
8 municipal police department or Alaska state trooper post in which the inmate will  
9 reside.

10 \* **Sec. 16.** AS 33.30.012 is amended by adding a new subsection to read:

11 (c) Immediately after taking supervision of a sex offender under the Interstate  
12 Corrections Compact or AS 33.36.110, the commissioner shall provide written notice  
13 to the sex offender of the requirement to register under AS 12.63.010, obtain written  
14 verification of the notification, and send the verification to the Department of Public  
15 Safety.

16 \* **Sec. 17.** AS 12.62.160(b)(9), 12.62.160(b)(10), 12.62.900(24), and AS 33.30.035 are  
17 repealed.

18 \* **Sec. 18.** AS 12.63.100(4) is repealed.

19 \* **Sec. 19.** Section 12(a), ch. 41, SLA 1994 is amended to read:

20 (a) A sex offender with only one conviction for a sex offense who **submits to**  
21 **the Department of Public Safety proof of having** [HAS] been unconditionally  
22 discharged from that sex offense before July 1, 1984, is not required to register under  
23 AS 12.63.010, added by sec. 4 of this Act. A sex offender who has been  
24 unconditionally discharged from a sex offense on or after July 1, 1984, but before the  
25 effective date of this Act, shall register under AS 12.63.010, added by sec. 4 of this  
26 Act, by July 1, 1994. A sex offender with two or more convictions for a sex offense  
27 before the effective date of this Act, regardless of whether the sex offender was  
28 unconditionally released from the sex offense before, on, or after July 1, 1984, shall  
29 register under AS 12.63.010, added by sec. 4 of this Act, by July 1, 1994.

30 \* **Sec. 20.** TRANSITION: REGULATIONS. Notwithstanding sec. 22 of this Act, the  
31 Department of Public Safety may proceed to adopt regulations to implement the changes made

1 by this Act. Regulations take effect under AS 44.62 (Administrative Procedure Act) to  
2 implement a section of this Act, but not before the effective date of the relevant section of this  
3 Act.

4 \* **Sec. 21.** Sections 2 - 7, 12, 14 - 17, and 20 of this Act take effect immediately under  
5 AS 01.10.070(c).

6 \* **Sec. 22.** Sections 1, 8 - 11, 13, 18, and 19 of this Act take effect September 13, 1997.