

CS FOR HOUSE BILL NO. 278(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/18/08

Referred: Finance

Sponsor(s): REPRESENTATIVES BUCH, DOLL AND GRUENBERG, Lynn, Gatto, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sex offenders and child kidnappers; and providing for an effective**
2 **date."**

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

4 *** Section 1.** AS 11.56.840(a) is repealed and reenacted to read:

5 (a) A person commits the crime of failure to register as a sex offender or child
6 kidnapper in the second degree if the person fails, as required by AS 12.63.010, to

7 (1) register;

8 (2) file written notice of

9 (A) change of residence;

10 (B) change of mailing address; or

11 (C) establishment of an online identifier or any change to an
12 online identifier; in this subparagraph, "online identifier" has the meaning
13 given in AS 12.63.010;

14 (3) file the annual or quarterly written verification; or

1 (4) supply accurate and complete information required to be submitted
2 under (1) - (3) of this subsection.

3 * **Sec. 2.** AS 12.63.010(b) is amended to read:

4 (b) A sex offender or child kidnapper required to register under (a) of this
5 section shall register with the Department of Corrections if the sex offender or child
6 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
7 police department located nearest to where the sex offender or child kidnapper resides
8 at the time of registration. To fulfill the registration requirement, the sex offender or
9 child kidnapper shall

10 (1) complete a registration form that includes, at a minimum,

11 (A) the sex offender's or child kidnapper's name, address, place
12 of employment, **and** date of birth;

13 (B) each conviction for a sex offense or child kidnapping for
14 which the duty to register has not terminated under AS 12.63.020, **the** date of
15 **the** sex offense or child kidnapping convictions, **the** place and court of **the** sex
16 offense or child kidnapping convictions, **and** whether the sex offender or child
17 kidnapper has been unconditionally discharged from the conviction for a sex
18 offense or child kidnapping and the date of the unconditional discharge; if the
19 sex offender or child kidnapper asserts that the offender or kidnapper has been
20 unconditionally discharged, the offender or kidnapper shall supply proof of
21 that discharge acceptable to the department;

22 (C) all aliases used;

23 (D) **the sex offender's or child kidnapper's** driver's license
24 number;

25 (E) **the** description, license numbers, and vehicle identification
26 numbers of motor vehicles the sex offender or child kidnapper has access to,
27 regardless of whether that access is regular or not;

28 (F) any identifying features of the sex offender or child
29 kidnapper;

30 (G) anticipated changes of address; [AND]

31 (H) a statement concerning whether the offender or kidnapper

1 has had treatment for a mental abnormality or personality disorder since the
2 date of conviction for an offense requiring registration under this chapter; **and**

3 **(I) each online identifier used by the sex offender or child**
4 **kidnapper;**

5 (2) allow the Alaska state troopers, Department of Corrections, or
6 municipal police to take a complete set of the sex offender's or child kidnapper's
7 fingerprints and to take the sex offender's or child kidnapper's photograph.

8 * **Sec. 3.** AS 12.63.010(c) is amended to read:

9 (c) If a sex offender or child kidnapper changes residence after having
10 registered under (a) of this section, the sex offender or child kidnapper shall provide
11 written notice of the change by the next working day following the change to the
12 Alaska state trooper post or municipal police department located nearest to the new
13 residence or, if the residence change is out of state, to the central registry. **If a sex**
14 **offender or child kidnapper establishes or changes an online identifier, the sex**
15 **offender or child kidnapper shall, by the next working day, notify the department**
16 **in writing of the changed or new identifier.**

17 * **Sec. 4.** AS 12.63.010(f) is amended to read:

18 (f) In this section,

19 **(1) "correctional facility" has the meaning given in AS 33.30.901;**

20 **(2) "online identifier" means any electronic mail address**
21 **information or instant message, chat, social networking, or other similar Internet**
22 **communication name, but does not include social security number, date of**
23 **birth, or pin number.**

24 * **Sec. 5.** AS 18.65.087 is amended by adding new subsections to read:

25 (i) Notwithstanding (b) of this section,

26 (1) the department may provide a method for, or may participate in a
27 federal program that allows, the public to submit an online identifier and receive a
28 confirmation of whether the identifier belongs to a registered sex offender or child
29 kidnapper;

30 (2) the department may provide online identifiers in the central registry
31 to Internet service providers and Internet security firms to assist those entities in

1 preventing children from receiving communications from registered sex offenders and
2 child kidnappers and to warn the public that persons with those identifiers are
3 registered sex offenders or child kidnappers.

4 (j) In this section, "online identifier" has the meaning given in AS 12.63.010.

5 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** (a) This Act applies to persons convicted of sex offenses or child
8 kidnapping before, on, or after the effective date of this Act whose duty to register as a sex
9 offender or child kidnapper has not expired under AS 12.63.010(d)(1) on the effective date of
10 this Act.

11 (b) Notwithstanding AS 11.56.840(a), repealed and reenacted by sec. 1 of this Act,
12 and AS 12.63.010(c), amended by sec. 3 of this Act, a sex offender or child kidnapper whose
13 duty to register as a sex offender or child kidnapper arose

14 (1) on or before December 31, 2008, does not have to initially report online
15 identifiers to the Department of Public Safety until the date that the sex offender or child
16 kidnapper's next annual, or quarterly if applicable, written verification is due; after the initial
17 report of identifiers is due, the sex offender or child kidnapper shall report the establishment
18 of an online identifier or any change to an identifier, as required by AS 11.56.840 and
19 AS 12.63.010;

20 (2) on or after January 1, 2009, shall report online identifiers, and changes to
21 identifiers, to the Department of Public Safety as required by AS 12.63.010.

22 * **Sec. 7.** This Act takes effect January 1, 2009.