

CS FOR SENATE BILL NO. 185(STA)(title am)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 3/28/08

Offered: 2/19/08

Sponsor(s): SENATORS WIELECHOWSKI, Ellis, Elton, McGuire, Dyson, Olson, French

REPRESENTATIVE Doll

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the central registry of sex offenders and child kidnapers and to the**
2 **registration requirements for sex offenders and child kidnapers; and providing for an**
3 **effective date."**

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

5 *** Section 1.** AS 11.56.840(a) is repealed and reenacted to read:

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

8 (1) register;

9 (2) file written notice of

10 (A) change of residence;

11 (B) change of mailing address;

12 (C) establishment of an electronic or messaging address or any
13 change to an electronic or messaging address; or

14 (D) establishment of an Internet communication identifier or

1 any change to an Internet communication identifier;

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

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

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

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

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

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

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

24 (C) all aliases used;

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

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

30 (F) any identifying features of the sex offender or child
31 kidnapper;

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

2 (H) a statement concerning whether the offender or kidnapper
3 has had treatment for a mental abnormality or personality disorder since the
4 date of conviction for an offense requiring registration under this chapter; **and**

5 **(I) each electronic mail address, instant messaging address,**
6 **and other Internet communication identifier used by the sex offender or**
7 **child kidnapper;**

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

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

12 (c) If a sex offender or child kidnapper changes residence after having
13 registered under (a) of this section, the sex offender or child kidnapper shall provide
14 written notice of the change by the next working day following the change to the
15 Alaska state trooper post or municipal police department located nearest to the new
16 residence or, if the residence change is out of state, to the central registry. **If a sex**
17 **offender or child kidnapper establishes or changes an electronic mail address,**
18 **instant messaging address, or other Internet communication identifier, the sex**
19 **offender or child kidnapper shall, by the next working day, notify the department**
20 **in writing of the changed or new address or identifier.**

21 * **Sec. 4.** AS 18.65.087 is amended by adding a new subsection to read:

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

23 (1) the department may provide a method for, or may participate in a
24 federal program that allows, the public to submit an electronic or messaging address or
25 Internet identifier and receive a confirmation of whether the address or identifier
26 belongs to a registered sex offender or child kidnapper;

27 (2) the department may provide electronic or messaging addresses and
28 Internet communication identifiers in the central registry to Internet service providers
29 and Internet security firms to assist those entities in preventing children from receiving
30 communications from registered sex offenders and child kidnappers and to warn the
31 public that persons with those addresses or identifiers are registered sex offenders or

1 child kidnappers.

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

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

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

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

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

22 * **Sec. 6.** This Act takes effect January 1, 2009.