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HOUSE CS FOR CS FOR SENATE BILL NO. 185(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/9/08
Referred: Rules

Sponsor(s): SENATORS WIELECHOWSKI, Ellis, Elton, McGuire, Dyson, Olson, French
REPRESENTATIVES Doll, Buch, Gara, Kawasaki, Lynn, Johnson, Gardner, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the central registry of sex offenders and child kidnappers, to
2 penalties for certain sex offenders, and to the registration requirements for sex offenders
3 and child kidnappers; and providing for an 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5 * **Section 1.** AS 11.56.840(a) is repealed and reenacted to read: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
15 any change to an Internet communication identifier;

- 1 (3) file the annual or quarterly written verification; or
 2 (4) supply accurate and complete information required to be submitted
 3 under (1) - (3) of this subsection.

4 * **Sec. 2.** AS 12.55.015 is amended by adding a new subsection to read:

5 (j) In addition to penalties authorized by this section, the court may order a
 6 defendant convicted of a violation of AS 11.41.410 or 11.41.434 where the victim of
 7 the offense was under 13 years of age to be subject to electronic monitoring up to the
 8 maximum length of probation on the person's release from a correctional facility.

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

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

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

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

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

28 (C) all aliases used;

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

31 (E) **the** description, license numbers, and vehicle identification

1 numbers of motor vehicles the sex offender or child kidnapper has access to,
2 regardless of whether that access is regular or not;

3 (F) any identifying features of the sex offender or child
4 kidnapper;

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

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

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

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

15 * **Sec. 4.** AS 12.63.010(c) is amended to read:

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

25 * **Sec. 5.** AS 18.65.087 is amended by adding a new subsection to read:

26 (i) Notwithstanding (b) of this section, the department may provide a method
27 for, or may participate in a federal program that allows, the public to submit an
28 electronic or messaging address or Internet identifier and receive a confirmation of
29 whether the address or identifier has been registered by a registered sex offender or
30 child kidnapper.

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

1 read:

2 APPLICABILITY. (a) Sections 1 and 3 - 5 of this Act apply to persons convicted of
3 sex offenses or child kidnapping before, on, or after the effective date of this Act whose duty
4 to register as a sex offender or child kidnapper has not expired under AS 12.63.010(d)(1) on
5 the effective date of this Act.

6 (b) Section 2 of this Act applies to persons convicted of offenses committed on or
7 after the effective date of this Act.

8 (c) 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. 4 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. 7.** This Act takes effect January 1, 2009.