

Introduced: 2/16/88
Referred: Health, Education and
Social Services and Judiciary

5-1158A

1 IN THE SENATE

BY ABOOD

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SENATE BILL NO. 467

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to the protection of children and
the registration of persons convicted of sexual
offenses against children."

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

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* Section 1. AS 33 is amended by adding a new chapter to read:

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CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL

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OFFENSES AGAINST CHILDREN.

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Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
has been convicted of a sexual offense against a child and who is not
confined to a correctional facility shall, within 14 days of entering
a municipality or unincorporated community, register with the nearest
law enforcement agency.

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(b) A person who has been convicted of a sexual offense against
a child and who is confined to a correctional facility shall register
with the nearest law enforcement agency within 14 days of entering a
municipality or unincorporated community after being released from the
correctional facility.

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Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
adopt regulations necessary to carry out this chapter and shall pre-
pare forms to be used to register under this chapter.

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Sec. 33.40.030. REGISTRATION. (a) Except as provided in (b) of
this section, a person required to register under AS 33.40.010 is
required to register only once. The registration must include

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(1) a written statement by the person giving the

1 information required by the department;

2 (2) the fingerprints of the person; and

3 (3) a photograph of the person.

4 (b) A person required to register under this chapter shall
5 notify the law enforcement agency with whom the person last registered
6 of a change of residence within 10 days after the change of residence.

7 (c) A law enforcement agency that receives registration informa-
8 tion under this section shall forward that information to the depart-
9 ment within three days after receiving it.

10 Sec. 33.40.040. REGISTRATION FILE. (a) Except as otherwise
11 provided in this section, the statements, fingerprints, and other
12 records maintained by a law enforcement agency or the department under
13 this chapter are confidential and shall be maintained by the law
14 enforcement agency or the commissioner in a file separate from other
15 files and records maintained by the law enforcement agency or the
16 commissioner.

17 (b) The commissioner or law enforcement agency shall remove
18 copies of registration records, fingerprints, and other records main-
19 tained under this chapter from the permanent registration

20 (1) after 20 years for a person convicted of a sexual
21 offense against a child that is an unclassified felony;

22 (2) after 10 years for a person convicted of a sexual
23 offense against a child that is a class A felony;

24 (3) after five years for a person convicted of a sexual of-
25 fense against a child that is a class B or class C felony.

26 (c) Copies of statements, fingerprints, and other records main-
27 tained under this chapter may be transmitted only if the request for
28 the record

29 (1) is made in writing;

1 (2) is for the record of a person named in the request or a
2 person whose fingerprints match the fingerprints in the request;

3 (3) states that the record requested is necessary for the
4 investigation of a crime and will be used only in the investigation of
5 that crime; and

6 (4) is received from the head of

7 (A) a local law enforcement agency in the state or in
8 another place;

9 (B) a department of the state involved in the enforce-
10 ment of a criminal law of the state; or

11 (C) a federal law enforcement agency.

12 Sec. 33.40.050. PENALTY. A person convicted of a sexual offense
13 against a child who fails to register as required under this chapter
14 or who knowingly provides false or misleading information to a law
15 enforcement agency is guilty of a class A misdemeanor.

16 Sec. 33.40.060. DEFINITIONS. In this chapter

17 (1) "commissioner" means the commissioner of public safety;

18 (2) "department" means the Department of Public Safety;

19 (3) "person convicted of a sexual offense against a child"
20 means a person convicted of an offense

21 (A) in the state under AS 11.41.410, 11.41.420, or
22 11.41.450 if the victim of the sexual offense is a person who was
23 under 18 years of age;

24 (B) in the state under AS 11.41.434, 11.41.436,
25 11.41.438, 11.41.440, or 11.41.455;

26 (C) in the state under former law that would be pun-
27 ishable as one of the offenses listed in (A) or (B) of this para-
28 graph;

29 (D) in another jurisdiction that would be punishable

1 as one of the offenses listed in (A) or (B) of this paragraph if
2 committed in the state.

3 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec.1 of this
4 Act, a person who has been convicted of a sexual offense against a child,
5 as defined in AS 33.40.060(3), enacted by sec. 1 of this Act, and who is
6 not confined to a correctional facility shall register with the nearest law
7 enforcement agency within 30 days after the effective date of this Act.