

Offered: 3/4/88
Referred: Judiciary

5-1158B

Original sponsors: Abood and Fischer

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 467 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the registration of persons
8 convicted of sexual offenses; and providing for an
9 effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 33 is amended by adding a new chapter to read:
12 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
13 OFFENSES.
14 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
15 has been convicted of a sexual offense and who is not confined to a
16 correctional facility shall, within 14 days of entering a municipality
17 or unincorporated community, register with the nearest law enforcement
18 agency.
19 (b) A person who has been convicted of a sexual offense and who
20 is confined to a correctional facility shall register with the nearest
21 law enforcement agency within 14 days of entering a municipality or
22 unincorporated community after being released from the correctional
23 facility.
24 Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
25 adopt regulations necessary to carry out this chapter and shall pre-
26 pare forms to be used to register under this chapter.
27 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
28 ter under AS 33.40.010 is required to register only once. The regis-
29 tration must include
(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) The law enforcement agency with whom a person registers
5 under (a) of this section shall prepare duplicate sets of the regis-
6 tration information provided under (a) of this section. Within three
7 days after receiving it, one set shall be forwarded to the commis-
8 sioner or to the office that the commissioner may designate by regu-
9 lation.

10 (c) The law enforcement agency with whom the person registers
11 shall retain the second set.

12 Sec. 33.40.040. RELOCATION. (a) A person required to register
13 under this chapter shall notify the law enforcement agency with whom
14 the person last registered of a change of residence within the munici-
15 pality or unincorporated community within 10 days after the change of
16 residence.

17 (b) If a person required to register under this chapter relo-
18 cates from the municipality or unincorporated community in which the
19 person registered under AS 33.40.030, the person shall notify the law
20 enforcement agency nearest to the municipality or unincorporated
21 community to which the person relocates within 10 days after the
22 change of residence.

23 (c) The law enforcement agency that the person notifies under
24 (b) of this section shall ask the law enforcement agency having cus-
25 tody of the person's registration file to provide the registration
26 file. The law enforcement agency having custody of the file shall,
27 within five days of receiving the request, transmit the file to the
28 law enforcement agency that the person notified under (b) of this
29 section.

1 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
2 provided in this section, the statements, fingerprints, and other
3 records maintained by a law enforcement agency or the department under
4 this chapter are confidential and shall be maintained by the law
5 enforcement agency or the commissioner in a file separate from other
6 files and records maintained by the law enforcement agency or the
7 commissioner.

8 (b) The commissioner and the law enforcement agencies shall
9 remove copies of registration records, fingerprints, and other records
10 maintained under this chapter from the permanent registration after 20
11 years from the date the person registered under AS 33.40.030.

12 (c) Except as provided in AS 33.40.040, copies of statements,
13 fingerprints, and other records maintained under this chapter may be
14 transmitted only if

15 (1) the record requested is necessary for the investigation
16 of a crime and will be used only in the investigation of that crime;
17 and

18 (2) the request is received from the head of

19 (A) a local law enforcement agency in the state or in
20 another place;

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

23 (C) a federal law enforcement agency.

24 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
25 who fails to register as required under this chapter or who provides
26 false or misleading information to a law enforcement agency when
27 required under this chapter is guilty of a class A misdemeanor.

28 Sec. 33.40.070. DEFINITIONS. In this chapter

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

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

3 (3) "department" means the Department of Public Safety;

4 (4) "person convicted of a sexual offense" means a person
5 convicted of an offense

6 (A) in the state under AS 11.41.410 - 11.41.455;

7 (B) in the state under former law that would now
8 constitute an offense described in (A) of this paragraph;

9 (C) in another jurisdiction that would now be punish-
10 able as one of the offenses listed in (A) or (B) of this para-
11 graph if committed in the state.

12 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec. 1 of this
13 Act, a person who has been convicted of a sexual offense, as defined in
14 AS 33.40.070(4), enacted by sec. 1 of this Act, and who is not confined to
15 a correctional facility shall register with the nearest law enforcement
16 agency by January 31, 1989.

17 * Sec. 3. This Act takes effect January 1, 1989.

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