

Original sponsors: Abood and Fischer

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 467 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the registration of persons
7 convicted of sexual offenses; and providing for an
8 effective date."

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

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

11 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
12 OFFENSES.

13 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
14 has been convicted of a sexual offense and who is not confined to a
15 correctional facility shall, within 14 days of entering a municipality
16 or unincorporated community, register under this chapter.

17 (b) A person who has been convicted of a sexual offense and who
18 is confined to a correctional facility shall, within 14 days of enter-
19 ing a municipality or unincorporated community after being released
20 from the correctional facility, register under this chapter.

21 Sec. 33.40.020. PLACE OF REGISTRATION. A person required by
22 this chapter to register shall register with the nearest law enforce-
23 ment agency.

24 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
25 ter under AS 33.40.010 is required to register only once. The regis-
26 tration must include

27 (1) a written statement by the person giving the informa-
28 tion required by the department;

29 (2) two sets of fingerprints of the person; and

1 (3) two photographs of the person.

2 (b) Within three days after a person registers under (a) of this
3 section, the law enforcement agency with whom the person registers
4 shall send one set of the person's fingerprints and a photograph to
5 the commissioner or to an office that the commissioner may designate
6 by regulation.

7 (c) The law enforcement agency with whom the person registers
8 shall retain the written statement required by (a)(1) of this section,
9 the second set of the person's fingerprints, and a photograph of the
10 person.

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

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

22 (c) The law enforcement agency that the person notifies under
23 (b) of this section shall ask the law enforcement agency having cus-
24 tody of the person's registration file to provide the registration
25 file. The law enforcement agency having custody of the file shall,
26 within 10 days of receiving the request, transmit the file to the law
27 enforcement agency that the person notified under (b) of this section.

28 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
29 provided in this section, the statements, fingerprints, and other

1 records maintained by a law enforcement agency or the department under
2 this chapter are confidential and shall be maintained by the law
3 enforcement agency or the commissioner in a file separate from other
4 files and records maintained by the law enforcement agency or the
5 commissioner.

6 (b) The commissioner and the law enforcement agencies shall
7 remove copies of registration records, fingerprints, and other records
8 maintained under this chapter from the permanent registration file
9 after 20 years from the date the person registered under AS 33.40.030.
10 However, if the person is convicted of another sexual offense during
11 the period the registration records, fingerprints, and other records
12 are maintained by the law enforcement agency or the commissioner, the
13 commissioner and the law enforcement agencies shall permanently retain
14 these records.

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

18 (1) the record requested is necessary for the investigation
19 of a crime and will be used only in the investigation of that crime;
20 and

21 (2) the request is received from

22 (A) a local law enforcement agency in the state or in
23 another place;

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

26 (C) a federal law enforcement agency.

27 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
28 who fails to register as required under this chapter or who provides
29 false or misleading information to a law enforcement agency when

1 required under this chapter is guilty of a class A misdemeanor.

2 Sec. 33.40.070. DUTIES OF COMMISSIONER. The commissioner shall
3 adopt regulations necessary to carry out this chapter and shall pre-
4 pare forms to be used to register under this chapter.

5 Sec. 33.40.080. DEFINITIONS. In this chapter

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

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

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

10 (4) "sexual offense" means an offense

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

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

14 (C) in another jurisdiction that would now be punish-
15 able as one of the offenses listed in (A) of this paragraph if
16 committed in the state.

17 * Sec. 2. (a) Notwithstanding AS 33.40.010(a), enacted by sec. 1 of
18 this Act, a person who was convicted after December 31, 1979, and before
19 January 1, 1989, of a sexual offense, as defined in AS 33.40.080(4), enact-
20 ed by sec. 1 of this Act, and who is not confined to a correctional facili-
21 ty shall register with the nearest law enforcement agency by January 31,
22 1989.

23 (b) Notwithstanding AS 33.40.050(b), enacted by sec. 1 of this Act,
24 the commissioner and the law enforcement agencies shall remove from the
25 permanent registration file copies of registration records, fingerprints,
26 and other records maintained under AS 33.40 for a person who is required to
27 register by (a) of this section after 20 years from the later of

28 (1) the date of imposition of sentence following conviction for
29 the sexual offense; or

1 (2) the date the person was released from the correctional
2 facility following incarceration for the sexual offense.

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