

CS FOR HOUSE BILL NO. 440 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/4/92

Referred: Finance

Sponsor(s): REPRESENTATIVES ULMER, Barnes, Bruckman, B.Davis, C.Davis, M.A.Miller, G.Phillips, R.Phillips, Donley, Brown, MacLean, Lincoln, Parnell, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration by and community notification of sex offenders and
2 amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

5 (1) sex offenders pose a high risk of reoffending after release from custody;

6 (2) protecting the public from sex offenders is a primary governmental interest;

7 (3) the privacy interests of persons convicted of sex offenses are less important than the
8 government's interest in public safety; and

9 (4) release of information about sex offenders to public agencies and the general public
10 will assist in protecting the public safety.

11 * Sec. 2. AS 11.41 is amended by adding a new section to read:

12 Sec. 11.41.465. FAILURE TO REGISTER AS A SEX OFFENDER. A person who
13 knowingly fails to register as required in AS 12.63.010 is guilty of a class B misdemeanor.

14 * Sec. 3. AS 12.55 is amended by adding a new section to read:

1 **Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES.** When a defendant is convicted of
2 a sex offense by a court of this state, the written judgment must set out the registration
3 requirements of AS 12.63.010.

4 * **Sec. 4.** AS 12 is amended by adding a new chapter to read:

5 **CHAPTER 63. REGISTRATION OF SEX OFFENDERS.**

6 **Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS.** (a) A sex offender who is
7 physically present in the state shall register as provided in this section within

8 (1) 30 days of release from a state correctional facility;

9 (2) 30 days of conviction for a sex offense, if the sex offender is not sentenced
10 to a term of incarceration; or

11 (3) 45 days of becoming physically present in the state.

12 (b) A sex offender required to register under (a) of this section shall register in person
13 at the Alaska state trooper post located nearest to where the sex offender resides at the time of
14 registration. To fulfill the registration requirement, the sex offender shall

15 (1) complete a registration form that includes the sex offender's name, address,
16 place of employment, date of birth, crime for which convicted, date of conviction, place and
17 court of conviction, all aliases used, and social security number;

18 (2) provide a complete set of the sex offender's fingerprints; and

19 (3) allow the Alaska state troopers to take the sex offender's photograph.

20 (c) If a sex offender changes residence within the state after having registered under (a)
21 of this section, the sex offender shall provide written notice of the change to the Alaska state
22 trooper post located nearest to the new residence within 10 days of the change.

23 **Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO REGISTER.** (a) The
24 duty of a sex offender to register under AS 12.63.010 ends

25 (1) 10 years following the sex offender's unconditional discharge from a
26 conviction for an unclassified, class A, or class B felony sex offense;

27 (2) five years following the sex offender's unconditional discharge from a
28 conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense.

29 (b) The termination date of the duty to register, as provided in (a) of this section, is
30 based on the most serious class of sex offense for which the sex offender was convicted.

31 **Sec. 12.63.100. DEFINITIONS.** In this chapter,

1 (1) "sex offender" means a person convicted in this state or another jurisdiction
2 of a sex offense;

3 (2) "sex offense" means a crime under AS 11.41.410 - 11.41.455 or a similar law
4 in another jurisdiction;

5 (3) "unconditional discharge" has the meaning given in AS 12.55.185.

6 * Sec. 5. AS 18.65 is amended by adding a new section to read:

7 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The Alaska state
8 troopers shall maintain at their headquarters a central registry of sex offenders required to register
9 under AS 12.63.010 and shall adopt regulations necessary to carry out the purposes of this
10 section and AS 12.63. A post of the Alaska state troopers that receives information and
11 fingerprints under AS 12.63.010 shall forward the information and fingerprints within five
12 working days of receipt to the central registry of sex offenders.

13 (b) Notwithstanding any other provision of law, information about sex offenders that is
14 contained in the central registry is public information and may be released to any person upon
15 written request. This subsection does not authorize the release of a sex offender's social security
16 number or fingerprints.

17 * Sec. 6. AS 28.05 is amended by adding a new section to read:

18 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall display notice
19 of the registration requirements of AS 12.63.010 at a place where the public may apply for a
20 driver's license, identification card, or vehicle registration.

21 * Sec. 7. AS 33.30 is amended by adding a new section to read:

22 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY PLACEMENT,
23 WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF SEX OFFENDER. (a) At
24 the earliest possible date, and in no event later than 10 days before release, the commissioner
25 shall send written notice of release, parole, community placement, work release placement or
26 furlough of a specific inmate convicted of a sex offense to:

27 (1) the chief of police of the community, if any, in which the inmate will reside;
28 and

29 (2) the Alaska state trooper post located nearest to where the inmate will reside.

30 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
31 commissioner shall immediately notify the chief of police of the community and Alaska state

1 trooper post located closest to where the inmate resided immediately before the inmate's arrest
2 and conviction.

3 * Sec. 8. AS 33.30 is amended by adding a new section to read:

4 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION REQUIREMENT.

5 The department shall provide written notice to a sex offender of the registration requirements of
6 AS 12.63.010, and shall obtain a signed acknowledgement of receipt of notice from the sex
7 offender

8 (1) at the time of the sex offender's release from a state correctional facility;

9 (2) immediately after taking supervision of a sex offender under the Interstate
10 Corrections Compact or AS 33.36.110.

11 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

12 (14) "sex offender" has the meaning given in AS 12.63.100.

13 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

14 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not accept a plea
15 of guilty or nolo contendere from a defendant without first addressing the defendant personally
16 and

17 (1) determining that the defendant [HE] understands the nature of the charge;
18 and

19 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or nolo
20 contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by a judge and the
21 right to be confronted with the witnesses against the defendant [HIM]; [AND]

22 (3) informing the defendant [HIM]:

23 (i) of the mandatory minimum punishment, if any, and the
24 maximum possible punishment provided by the statute defining the offense to
25 which the plea is offered, and

26 (ii) that the defendant has the right to plead not guilty or to persist
27 in that plea if it has already been made, or to plead guilty; and

28 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,
29 informing the defendant in writing of the registration requirement under AS 12.63.010.

30 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
31 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification

1 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.
2 * Sec. 12. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 12 of this Act receives
3 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
4 Alaska.