

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

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/20/92

Referred: Rules

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 of sex offenders and amending Alaska Rules of Criminal
2 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 certain information about sex offenders to public agencies and the general
10 public 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. The sex offender shall
8 register within

9 (1) 30 days of release from a state correctional facility;

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

12 (3) 45 days of becoming physically present in the state.

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

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

19 (2) allow the Alaska state troopers to take a complete set of the sex offender's
20 fingerprints; and

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

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

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

27 (1) 10 years following the sex offender's unconditional discharge from a
28 conviction for an unclassified, class A, or class B felony sex offense;

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

31 (b) The termination date of the duty to register, as provided in (a) of this section, is

1 based on the most serious class of sex offense for which the sex offender was convicted.

2 Sec. 12.63.100. DEFINITIONS. In this chapter,

3 (1) "sex offender" means a person convicted of a sex offense in this state or
4 another jurisdiction regardless of whether the conviction occurred before, after, or on the effective
5 date of this section;

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

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

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

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

16 (b) Information about a sex offender that is contained in the central registry, including
17 sets of fingerprints, is confidential and not subject to public disclosure except as to the sex
18 offender's name, address, place of employment, date of birth, crime for which convicted, date
19 of conviction, place and court of conviction, and length of sentence.

20 (c) The Department of Public Safety may adopt regulations to establish fees to be
21 charged for registration under AS 12.63.010 and for information requests.

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

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

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

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

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

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

4 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
5 commissioner shall immediately notify the chief of police of the community and Alaska state
6 trooper post located closest to where the inmate resided immediately before the inmate's arrest
7 and conviction.

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

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

10 The department shall provide written notice to a sex offender of the registration requirements of
11 AS 12.63.010, and shall obtain a signed acknowledgement of receipt of notice from the sex
12 offender

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

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

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

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

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

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

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

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

27 (3) informing the defendant [HIM]:

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

31 (ii) that the defendant has the right to plead not guilty or to persist

1 in that plea if it has already been made, or to plead guilty; and
2 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,
3 informing the defendant in writing of the registration requirement under AS 12.63.010.
4 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
5 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
6 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.
7 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
8 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
9 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
10 by AS 12.63.100, added by sec. 4 of this Act.
11 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
12 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
13 Alaska.