

SENATE CS FOR CS FOR HOUSE BILL NO. 440 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/12/92

Referred: Rules

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

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) Except as provided in (d)
7 of this section, a sex offender who is physically present in the state shall register as provided in
8 this section. The sex offender shall 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 (d) The commissioner of public safety shall by regulation establish longer periods of time
26 than those required under (a) of this section for the registration of sex offenders residing in
27 remote locations. A sex offender residing in a remote location shall notify the Alaska state
28 troopers of the sex offender's address within the appropriate period set out under (a) of this
29 section for registration.

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

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

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

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

7 Sec. 12.63.100. DEFINITIONS. In this chapter,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) The department shall provide written notice to a sex offender of the
16 registration requirements of AS 12.63.010, and shall obtain a signed
17 acknowledgement of receipt of notice from the sex offender

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

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

21 (b) The department shall annually provide notice to all states, territories, and
22 possessions of the United States of the requirements for sex offender registration in this
23 state.

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

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

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

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

30 (1) determining that the defendant [HE] understands the nature of the charge;

31 and

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

4 (3) informing the defendant [HIM]:

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

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

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

12 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
13 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
14 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.

15 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
16 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
17 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
18 by AS 12.63.100, added by sec. 4 of this Act.

19 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
20 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
21 Alaska.