

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BARNES, Ulmer, Phillips

Introduced: 1/15/93

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of and information about 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

8 than the government's interest in public safety; and

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

11 \* Sec. 2. AS 11.56 is amended by adding a new section to article 5 to read:

12 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person  
13 who knowingly fails to register as required in AS 12.63.010 is guilty of a class B  
14 misdemeanor.

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

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

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

6 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

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

10 (1) 30 days of release from a state correctional facility;

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

13 (3) 45 days of becoming physically present in the state.

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

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

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

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

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

30 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO  
31 REGISTER. (a) The 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  
2 a conviction for an unclassified, class A, or class B felony sex offense;

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

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

9 Sec. 12.63.100. DEFINITIONS. In this chapter,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           **Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION**  
21 **REQUIREMENT.** The department shall provide written notice to a sex offender of  
22 the registration requirements of AS 12.63.010, and shall obtain a signed  
23 acknowledgement of receipt of notice from the sex offender

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

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

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

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

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

31           (c) **PLEAS OF GUILTY OR NOLO CONTENDERE.** The court shall not

1 accept a plea of guilty or nolo contendere from a defendant without first addressing  
2 the defendant personally and

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

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

9 (3) informing the defendant [HIM]:

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

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

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

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

23 \* Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex  
24 offense occurred before the effective date of this Act and whose duty to register has not  
25 terminated under AS 12.63.020, added by sec. 4 of this Act, before January 1, 1994, shall  
26 register under AS 12.63.010, added by sec. 4 of this Act, before January 1, 1994. In this  
27 section, "sex offender" and "sex offense" have the meanings given by AS 12.63.100, added  
28 by sec. 4 of this Act.

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