

CS FOR HOUSE BILL NO. 69(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/8/93

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BARNES, Ulmer, Phillips, Nordlund, Porter, Olberg, James, B.Davis, Green, Sanders, Toohey

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) Except as provided in (c) of this section, a sex offender required to register
15 under (a) of this section shall register in person at the Alaska state trooper post located
16 nearest to where the sex offender resides at the time of registration. To fulfill the
17 registration requirement, the sex 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 that is required to register under (a) of this section resides
27 more than 50 miles from an Alaska state trooper post, the sex offender may register
28 in person with a municipal police department. The sex offender shall fulfill the
29 requirements of (b)(1) - (3) of this section as if the sex offender were registering with
30 an Alaska state trooper post. The department shall provide forms and directions to
31 municipal police departments to fulfill this requirement.

1 (d) If a sex offender changes residence within the state after having registered
2 under (a) of this section, the sex offender shall provide written notice of the change
3 to the Alaska state trooper post located nearest to the new residence within 10 days of
4 the change.

5 (e) A sex offender required to register under (a) of this section shall annually,
6 during the term of a duty to register under AS 12.63.020, on a date set by the
7 department at the time of the sex offender's initial registration, provide written notice
8 to the department of any changes to the information initially provided under (b)(1) of
9 this section, or if there are no changes, a statement to that effect.

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

12 (1) 10 years following the sex offender's unconditional discharge from
13 a conviction for an unclassified, class A, or class B felony sex offense;

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

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

20 Sec. 12.63.100. DEFINITIONS. In this chapter,

21 (1) "department" means the Department of Public Safety;

22 (2) "sex offender" means a person convicted of a sex offense in this
23 state or another jurisdiction regardless of whether the conviction occurred before, after,
24 or on the effective date of this section;

25 (3) "sex offense" means a crime, or an attempt to commit a crime,
26 under AS 11.41.410 - 11.41.455 or a similar law in another jurisdiction;

27 (4) "unconditional discharge" has the meaning given in AS 12.55.185.

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

29 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The
30 Alaska state troopers shall maintain a central registry of sex offenders required to
31 register under AS 12.63.010 and shall adopt regulations necessary to carry out the

1 purposes of this section and AS 12.63. A post of the Alaska state troopers or a
2 municipal police department that receives information and fingerprints under
3 AS 12.63.010 shall forward the information and fingerprints within five working days
4 of receipt to the central registry of sex offenders.

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

10 (c) The Department of Public Safety

11 (1) shall adopt regulations to allow a sex offender to review sex
12 offender registration information that refers to that sex offender, and if the sex offender
13 believes the information is inaccurate or incomplete, to request the department to
14 correct the information, except that if a sex offender challenges information related to
15 a conviction or records of convictions the sex offender shall seek correction of the
16 information under AS 12.62.030;

17 (2) may adopt regulations to establish fees to be charged for registration
18 under AS 12.63.010 and for information requests.

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

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

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

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

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

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

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

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

8 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION
9 REQUIREMENT. The department shall provide written notice to a sex offender of
10 the registration requirements of AS 12.63.010, and shall obtain a signed
11 acknowledgement of receipt of notice from the sex offender

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

14 (2) immediately after taking supervision of a sex offender under the
15 Interstate 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
20 accept a plea of guilty or nolo contendere from a defendant without first addressing
21 the defendant personally and

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

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

28 (3) informing the defendant [HIM]:

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

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

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

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

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

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