

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

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/1/93
Referred: Finance

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

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); and providing for
3 an effective date."

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

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

- 6 (1) sex offenders pose a high risk of reoffending after release from custody;
7 (2) protecting the public from sex offenders is a primary governmental interest;
8 (3) the privacy interests of persons convicted of sex offenses are less important
9 than the government's interest in public safety; and
10 (4) release of certain information about sex offenders to public agencies and
11 the general public will assist in protecting the public safety.

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

13 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person
14 who knowingly fails to (1) register, (2) file the written notice of change of address, or

1 (3) file the annual written notice or statement, as required in AS 12.63.010, is guilty
2 of a class A misdemeanor.

3 * Sec. 3. AS 11.56.840 is repealed and reenacted to read:

4 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person
5 who knowingly fails to (1) register, (2) file the written notice of change of address, (3)
6 file the annual written notice or statement, or (4) supply a blood sample, as required
7 in AS 12.63.010, is guilty of a class A misdemeanor.

8 * Sec. 4. AS 12.55 is amended by adding a new section to read:

9 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. (a) When a defendant
10 is convicted of a sex offense by a court of this state, the written judgment must set out
11 the requirements of AS 12.63.010.

12 (b) In this section, "sex offense" has the meaning given in AS 12.63.100.

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

14 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

15 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS AND RELATED
16 REQUIREMENTS. (a) A sex offender who is physically present in the state shall
17 register as provided in this section. The sex offender shall register within

18 (1) seven days of release from a state correctional facility;

19 (2) seven days of conviction for a sex offense if the sex offender is not
20 sentenced to a term of incarceration; or

21 (3) 14 days of becoming physically present in the state, unless the sex
22 offender is a probationer or parolee being supervised by the state as the receiving state
23 under AS 33.36.110 - 33.36.120, in which case the sex offender shall register within
24 seven days of becoming physically present in the state.

25 (b) A sex offender required to register under (a) of this section shall register
26 in person at the Alaska state trooper post or municipal police department located
27 nearest to where the sex offender resides at the time of registration. To fulfill the
28 registration requirement, the sex offender shall

29 (1) complete a registration form that includes, at a minimum, the sex
30 offender's name, address, place of employment, date of birth, each conviction for a sex
31 offense for which the duty to register has not terminated under AS 12.63.020, date of

1 sex offense convictions, place and court of sex offense convictions, all aliases used,
2 and driver's license number;

3 (2) allow the Alaska state troopers or municipal police to take a
4 complete set of the sex offender's fingerprints and to take the sex offender's
5 photograph.

6 (c) If a sex offender changes residence within the state after having registered
7 under (a) of this section, the sex offender shall provide written notice of the change
8 to the Alaska state trooper post or municipal police department located nearest to the
9 new residence within 10 days of the change.

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

15 **Sec. 12.63.020. DURATION OF SEX OFFENDER DUTY TO REGISTER.**

16 (a) The duty of a sex offender to comply with the requirements of AS 12.63.010 for
17 each sex offense

18 (1) continues for the lifetime of a sex offender convicted of an
19 unclassified or class A felony sex offense;

20 (2) ends 20 years following the sex offender's unconditional discharge
21 from a conviction for a class B or class C felony sex offense;

22 (3) ends 10 years following the sex offender's unconditional discharge
23 from a conviction for a class A misdemeanor sex offense.

24 (b) The department shall adopt, by regulation, procedures to notify a sex
25 offender who, on the registration form under AS 12.63.010, lists a conviction for a sex
26 offense that is a violation of a former law of this state or a law of another jurisdiction,
27 of the duration of the offender's duty under (a) of this section for that sex offense.

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

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

30 (2) "sex offender" means a person convicted of a sex offense in this
31 state or another jurisdiction regardless of whether the conviction occurred before, after,

1 or on the effective date of this section;

2 (3) "sex offense" means a crime, or an attempt to commit a crime,
3 under AS 11.41.410 - 11.41.455, AS 11.61.125, AS 11.66.110, former AS 11.15.120
4 or 11.15.134, or former AS 11.40.110, 11.40.130, or 11.41.200, or a similar law in
5 another jurisdiction;

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

7 * Sec. 6. AS 12.63.010 is amended by adding a new subsection to read:

8 (e) A sex offender whose requirement to register under (a) of this section
9 arises on or after January 1, 1997, shall provide a specimen of blood adequate for
10 genetic typing analysis, including analysis of deoxyribonucleic acid (DNA).

11 * Sec. 7. AS 18.65 is amended by adding a new section to read:

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

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

24 (c) The Department of Public Safety

25 (1) shall adopt regulations to

26 (A) allow a sex offender to review sex offender registration
27 information that refers to that sex offender, and if the sex offender believes the
28 information is inaccurate or incomplete, to request the department to correct the
29 information;

30 (B) ensure the appropriate circulation to law enforcement
31 agencies of information contained in the central registry;

1 (C) implement the collection and analysis program authorized
2 in AS 12.63.010(e);

3 (2) shall provide to municipal police departments the forms and
4 directions necessary to allow sex offenders to comply with AS 12.63.010;

5 (3) may adopt regulations to establish fees to be charged for registration
6 under AS 12.63.010 and for information requests.

7 * Sec. 8. AS 28.05 is amended by adding a new section to read:

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

11 * Sec. 9. AS 33.30 is amended by adding a new section to read:

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

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

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

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

26 * Sec. 10. AS 33.30 is amended by adding a new section to read:

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

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

1 facility;

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

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

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

6 * Sec. 12. Alaska Rule of Criminal Procedure 11(c) is amended to read:

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

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

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

16 (3) informing the defendant [HIM]:

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

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

23 (4) if the defendant is charged with a sex offense as defined in
24 AS 12.63.100, informing the defendant in writing of the requirements of
25 AS 12.63.010.

26 * Sec. 13. The provisions of AS 12.55.148, added by sec. 4 of this Act, have the effect of
27 changing Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment
28 containing notification of the requirements of AS 12.63.010 be provided to a defendant
29 convicted of a sex offense.

30 * Sec. 14. APPLICABILITY. A sex offender whose most recent conviction for a sex
31 offense occurred before the effective date of this Act and whose duty to register has not

1 terminated under AS 12.63.020, added by sec. 5 of this Act, before January 1, 1994, shall
2 register under AS 12.63.010, added by sec. 5 of this Act, on the date the duty to register arises
3 under AS 12.63.010 or by January 1, 1994, whichever occurs later. In this section, "sex
4 offender" and "sex offense" have the meanings given by AS 12.63.100, added by sec. 5 of this
5 Act.

6 * Sec. 15. AS 12.55.148, added by sec. 4 of this Act, takes effect only if sec. 13 of this
7 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
8 Constitution of the State of Alaska.

9 * Sec. 16. Sections 3 and 6 of this Act take effect January 1, 1997.