

**SENATE CS FOR CS FOR HOUSE BILL NO. 69(RLS) am S**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE RULES COMMITTEE**

**Amended: 3/3/94**

**Offered: 3/3/94**

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

**SENATORS Halford, Taylor**

**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;

9 (4) public disclosure of this information must be balanced with the need for  
10 protection of minor victims of sexual offenses; and

11 (5) release of certain information about sex offenders to public agencies and  
12 the general public will assist in protecting the public safety.

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

14 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person

1 who knowingly fails to (1) register, (2) file the written notice of change of address, or  
2 (3) file the annual written notice or statement, as required in AS 12.63.010, is guilty  
3 of a class A misdemeanor.

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

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

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

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

10 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

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

14 (1) seven days of release from an in-state correctional facility;

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

17 (3) 14 days of becoming physically present in the state, except the sex  
18 offender shall register within seven days of becoming physically present in the state  
19 if the sex offender

20 (A) is a probationer or parolee being supervised by the state as  
21 the receiving state under AS 33.36.110 - 33.36.120; or

22 (B) has been released from an out-of-state correctional facility  
23 where the sex offender was serving a term of incarceration for a sex offense  
24 conviction in this 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 (e) In this section, "correctional facility" has the meaning given in  
16 AS 33.30.901.

17 Sec. 12.63.020. DURATION OF SEX OFFENDER DUTY TO REGISTER.

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

20 (1) continues for the lifetime of a sex offender convicted of two or  
21 more sex offenses;

22 (2) ends 15 years following the sex offender's unconditional discharge  
23 from a conviction for a single sex offense;

24 (3) may be waived in the case of a single offense where there is a  
25 limited expectation of recidivism; this waiver procedure shall be handled by the  
26 department subject to regulations and procedures established by the department; a  
27 decision of the department under this waiver procedure is final and may not be  
28 appealed; in adopting the regulations the department shall consult with the Council on  
29 Domestic Violence and Sexual Assault.

30 (b) The department shall adopt, by regulation, procedures to notify a sex  
31 offender who, on the registration form under AS 12.63.010, lists a conviction for a sex

1 offense that is a violation of a former law of this state or a law of another jurisdiction,  
2 of the duration of the offender's duty under (a) of this section for that sex offense.

3 Sec. 12.63.100. DEFINITIONS. In this chapter,

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

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

8 (3) "sex offense" means a crime, or an attempt to commit a crime,  
9 under AS 11.41.410 - 11.41.438, 11.41.450, 11.41.455, AS 11.61.125, AS 11.66.110,  
10 former AS 11.15.120 or 11.15.134, or former AS 11.40.110 or 11.40.200, or a similar  
11 law in another jurisdiction;

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

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

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

21 (b) Information about a sex offender that is contained in the central registry,  
22 including sets of fingerprints, is confidential and not subject to public disclosure except  
23 when

24 (1) it has been determined under regulations adopted by the Department  
25 of Public Safety that the disclosure of the information will not unreasonably  
26 compromise the privacy of a minor who is not a sex offender; in adopting the  
27 regulations the department shall consult with the Council on Domestic Violence and  
28 Sexual Assault; and

29 (2) the information disclosed is limited to the sex offender's name,  
30 address, photograph, place of employment, date of birth, crime for which convicted,  
31 date of conviction, place and court of conviction, and length of sentence.

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(c) The Department of Public Safety

(1) shall adopt regulations to

(A) allow a sex offender to review sex offender registration information that refers to that sex offender, and if the sex offender believes the information is inaccurate or incomplete, to request the department to correct the information; if the department finds the information is inaccurate or incomplete, the department shall correct or supplement the information;

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

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

(3) may adopt regulations to establish fees to be charged for registration under AS 12.63.010 and for information requests; the fee for registration shall be based upon the actual costs of performing the registration and maintaining the central registry but may not be set at a level whereby registration is discouraged; the fee for an information request may not be greater than \$10;

(4) shall remove from the central registry of sex offenders under AS 18.65.087 information about a sex offender required to register under AS 12.63.020(a)(2) at the end of the sex offender's duty to register if the offender has not been convicted of another sex offense; in this paragraph, "sex offense" has the meaning given in AS 12.63.100.

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

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

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

Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY PLACEMENT, WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF SEX OFFENDER. (a) At the earliest possible date, and in no event later than 10 days before release, the commissioner shall complete the registration of the sex offender and send written notice of release, parole, community placement, work release

1 placement, or furlough of a specific inmate convicted of a sex offense to:

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

4 (2) the Alaska state trooper post located nearest to where the inmate  
5 will reside; and

6 (3) the village public safety officer of the rural community without a  
7 municipal police department or Alaska state trooper post in which the inmate will  
8 reside.

9 (b) If an inmate convicted of a sex offense escapes from a correctional facility,  
10 the commissioner shall immediately notify the chief of police of the community and  
11 Alaska state trooper post located closest to where the inmate resided immediately  
12 before the inmate's arrest 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  
15 REQUIREMENT. The department shall provide written notice to a sex offender of  
16 the 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  
19 facility;

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

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

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

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

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

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

30 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or  
31 nolo contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by

1 a judge and the right to be confronted with the witnesses against the defendant  
2 [HIM]; [AND]

3 (3) informing the defendant [HIM]:

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

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

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

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

17 \* Sec. 12. APPLICABILITY. (a) A sex offender with only one conviction for a sex  
18 offense who has been unconditionally discharged from that sex offense before July 1, 1984,  
19 is not required to register under AS 12.63.010, added by sec. 4 of this Act. A sex offender  
20 who has been unconditionally discharged from a sex offense on or after July 1, 1984, but  
21 before the effective date of this Act, shall register under AS 12.63.010, added by sec. 4 of this  
22 Act, by July 1, 1994. A sex offender with two or more convictions for a sex offense before  
23 the effective date of this Act, regardless of whether the sex offender was unconditionally  
24 released from the sex offense before, on, or after July 1, 1984, shall register under  
25 AS 12.63.010, added by sec. 4 of this Act, by July 1, 1994.

26 (b) A conviction for a sex offense before the effective date of this Act is a sex offense  
27 for purpose of the duration of registration requirement of AS 12.63.020(a), added by sec. 4  
28 of this Act.

29 (c) In this section, "sex offender" and "sex offense" have the meanings given by  
30 AS 12.63.100, added by sec. 4 of this Act.

31 \* Sec. 13. The Department of Public Safety shall uniformly enforce the provisions of this

1 Act throughout the state regardless of the geographical location of the residence of the  
2 offender.

3 \* Sec. 14. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this  
4 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
5 Constitution of the State of Alaska.