

**CONFERENCE CS FOR HOUSE BILL NO. 69
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE CONFERENCE COMMITTEE

Offered: 4/19/94

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

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; 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 (1) register, (2) file the written notice of change of address, or
14 (3) file the annual written notice or statement, as required in AS 12.63.010, is guilty

1 of a class A misdemeanor.

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

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

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

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

8 **CHAPTER 63. REGISTRATION OF SEX OFFENDERS.**

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

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

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

15 (3) 14 days of becoming physically present in the state, except the sex
16 offender shall register within seven days of becoming physically present in the state
17 if the sex offender

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

20 (B) has been released from an out-of-state correctional facility
21 where the sex offender was serving a term of incarceration for a sex offense
22 conviction in this state.

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

27 (1) complete a registration form that includes, at a minimum, the sex
28 offender's name, address, place of employment, date of birth, each conviction for a sex
29 offense for which the duty to register has not terminated under AS 12.63.020, date of
30 sex offense convictions, place and court of sex offense convictions, all aliases used,
31 and driver's license number;

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

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

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

13 (e) In this section, "correctional facility" has the meaning given in
14 AS 33.30.901.

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 two or
19 more sex offenses;

20 (2) ends 15 years following the sex offender's unconditional discharge
21 from a conviction for a single sex offense.

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

26 Sec. 12.63.100. DEFINITIONS. In this chapter,

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

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

31 (3) "sex offense" means a crime, or an attempt to commit a crime,

1 under AS 11.41.410 - 11.41.438, 11.41.450, 11.41.455, AS 11.61.125, AS 11.66.110,
2 former AS 11.15.120 or 11.15.134, or former AS 11.40.110 or 11.40.200, or a similar
3 law in another jurisdiction;

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

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

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

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

18 (c) Notwithstanding (b) of this section, if a sex offender has been convicted
19 in this state or another jurisdiction of a sex offense identified as "incest," that offense
20 may be disclosed under (b) of this section only as a "felony sexual abuse of a minor"
21 conviction.

22 (d) The Department of Public Safety

23 (1) shall adopt regulations to

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

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

31 (2) shall provide to municipal police departments the forms and

1 directions necessary to allow sex offenders to comply with AS 12.63.010;

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

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

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

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

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

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

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

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

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

30 (b) If an inmate convicted of a sex offense escapes from a correctional facility,
31 the commissioner shall immediately notify the chief of police of the community and

1 Alaska state trooper post located closest to where the inmate resided immediately
2 before the inmate's arrest and conviction.

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

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

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

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

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

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

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

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

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

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

24 (3) informing the defendant [HIM]:

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

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

31 (4) if the defendant is charged with a sex offense as defined in

1 AS 12.63.100, informing the defendant in writing of the requirements of
2 AS 12.63.010.

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

7 * Sec. 12. APPLICABILITY. (a) A sex offender with only one conviction for a sex
8 offense who has been unconditionally discharged from that sex offense before July 1, 1984,
9 is not required to register under AS 12.63.010, added by sec. 4 of this Act. A sex offender
10 who has been unconditionally discharged from a sex offense on or after July 1, 1984, but
11 before the effective date of this Act, shall register under AS 12.63.010, added by sec. 4 of this
12 Act, by July 1, 1994. A sex offender with two or more convictions for a sex offense before
13 the effective date of this Act, regardless of whether the sex offender was unconditionally
14 released from the sex offense before, on, or after July 1, 1984, shall register under
15 AS 12.63.010, added by sec. 4 of this Act, by July 1, 1994.

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

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

21 * Sec. 13. The Department of Public Safety shall uniformly enforce the provisions of this
22 Act throughout the state regardless of the geographical location of the residence of the
23 offender.

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