

SB

467

SENATE COMMITTEE REPORT

FURTHER

3/31/88

DATE TURNED INTO OFFICE

4/12/88

Mr. President:

Finance Committee considered SB 467

protection of children and the registration of persons convicted of sexual offenses against children

and recommended

[X] replace with CS SB 467 (Finance) [] same title [] or adopt CS [X] new title

[] attached amendment(s) and

[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [X] attached or [] adopted fiscal note(s) [X] new [] updated or [] previous [] zero [X] fiscal impact 12.9

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Handwritten signatures of committee members: Jim Duncan, Paul Frick, Rick, William Z. Hendry, John P. Biele

Blank lines for other recommendations

Chairman signature and recommendation: Rick Halford do pass

[] Committee Backup attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 467 (Fin)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "Relating to the registration
of persons..."
Sponsor: Abood
Requestor: _____

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		6.7	13.3	13.3	13.3	13.3
TRAVEL		0	0	0	0	0
CONTRACTUAL		2.2	2.2	2.2	2.2	2.2
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		2.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		12.9	17.5	17.5	17.5	17.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		12.9	17.5	17.5	17.5	17.5
FEDERAL FUNDS						
OTHER						
TOTAL		12.9	17.5	17.5	17.5	17.5

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Rick Halford* Phone: _____
Division: _____ Date: _____

Approved by Commissioner: Senator Rick Halford Date: 4/11/88
Agency: Senate Finance Committee Co-Chairman

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsors: Abood and Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 467 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the registration of persons
7 convicted of sexual offenses; and providing for an
8 effective date."

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

10 * Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL

12 OFFENSES.

13 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
14 has been convicted of a sexual offense and who is not confined to a
15 correctional facility shall, within 14 days of entering a municipality
16 or unincorporated community, register under this chapter.

17 (b) A person who has been convicted of a sexual offense and who
18 is confined to a correctional facility shall, within 14 days of enter-
19 ing a municipality or unincorporated community after being released
20 from the correctional facility, register under this chapter.

21 Sec. 33.40.020. PLACE OF REGISTRATION. A person required by
22 this chapter to register shall register with the nearest law enforce-
23 ment agency.

24 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
25 ter under AS 33.40.010 is required to register only once. The regis-
26 tration must include

27 (1) a written statement by the person giving the informa-
28 tion required by the department;

29 (2) two sets of fingerprints of the person; and

1 (3) two photographs of the person.

2 (b) Within three days after a person registers under (a) of this
3 section, the law enforcement agency with whom the person registers
4 shall send one set of the person's fingerprints and a photograph to
5 the commissioner or to an office that the commissioner may designate
6 by regulation.

7 (c) The law enforcement agency with whom the person registers
8 shall retain the written statement required by (a)(1) of this section,
9 the second set of the person's fingerprints, and a photograph of the
10 person.

11 Sec. 33.40.040. RELOCATION. (a) A person required to register
12 under this chapter shall notify the law enforcement agency with whom
13 the person last registered of a change of residence within the munici-
14 pality or unincorporated community within 10 days after the change of
15 residence.

16 (b) If a person required to register under this chapter relo-
17 cates from the municipality or unincorporated community in which the
18 person registered under AS 33.40.030, the person shall notify the law
19 enforcement agency nearest to the municipality or unincorporated
20 community to which the person relocates within 10 days after the
21 change of residence.

22 (c) The law enforcement agency that the person notifies under
23 (b) of this section shall ask the law enforcement agency having cus-
24 tody of the person's registration file to provide the registration
25 file. The law enforcement agency having custody of the file shall,
26 within 10 days of receiving the request, transmit the file to the law
27 enforcement agency that the person notified under (b) of this section.

28 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
29 provided in this section, the statements, fingerprints, and other

1 records maintained by a law enforcement agency or the department under
2 this chapter are confidential and shall be maintained by the law
3 enforcement agency or the commissioner in a file separate from other
4 files and records maintained by the law enforcement agency or the
5 commissioner.

6 (b) The commissioner and the law enforcement agencies shall
7 remove copies of registration records, fingerprints, and other records
8 maintained under this chapter from the permanent registration file
9 after 20 years from the date the person registered under AS 33.40.030.
10 However, if the person is convicted of another sexual offense during
11 the period the registration records, fingerprints, and other records
12 are maintained by the law enforcement agency or the commissioner, the
13 commissioner and the law enforcement agencies shall permanently retain
14 these records.

15 (c) Except as provided in AS 33.40.040, copies of statements,
16 fingerprints, and other records maintained under this chapter may be
17 transmitted only if

18 (1) the record requested is necessary for the investigation
19 of a crime and will be used only in the investigation of that crime;
20 and

21 (2) the request is received from

22 (A) a local law enforcement agency in the state or in
23 another place;

24 (B) a department of the state involved in the enforce-
25 ment of a criminal law of the state; or

26 (C) a federal law enforcement agency.

27 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
28 who fails to register as required under this chapter or who provides
29 false or misleading information to a law enforcement agency when

1 required under this chapter is guilty of a class A misdemeanor.

2 Sec. 33.40.070. DUTIES OF COMMISSIONER. The commissioner shall
3 adopt regulations necessary to carry out this chapter and shall pre-
4 pare forms to be used to register under this chapter.

5 Sec. 33.40.080. DEFINITIONS. In this chapter

6 (1) "commissioner" means the commissioner of public safety;

7 (2) "correctional facility" has the meaning given in
8 AS 33.30.901;

9 (3) "department" means the Department of Public Safety;

10 (4) "sexual offense" means an offense

11 (A) in the state under AS 11.41.410 - 11.41.455;

12 (B) in the state under former law that would now
13 constitute an offense described in (A) of this paragraph;

14 (C) in another jurisdiction that would now be punish-
15 able as one of the offenses listed in (A) of this paragraph if
16 committed in the state.

17 * Sec. 2. (a) Notwithstanding AS 33.40.010(a), enacted by sec. 1 of
18 this Act, a person who was convicted after December 31, 1979, and before
19 January 1, 1989, of a sexual offense, as defined in AS 33.40.080(4), enact-
20 ed by sec. 1 of this Act, and who is not confined to a correctional facili-
21 ty shall register with the nearest law enforcement agency by January 31,
22 1989.

23 (b) Notwithstanding AS 33.40.050(b), enacted by sec. 1 of this Act,
24 the commissioner and the law enforcement agencies shall remove from the
25 permanent registration file copies of registration records, fingerprints,
26 and other records maintained under AS 33.40 for a person who is required to
27 register by (a) of this section after 20 years from the later of

28 (1) the date of imposition of sentence following conviction for
29 the sexual offense; or

1 (2) the date the person was released from the correctional
2 facility following incarceration for the sexual offense.

3 * Sec. 3. This Act takes effect January 1, 1989.
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Vicki -

Jack Chenoweth is
going to go ahead &
order the final for

SB 467 -

CF

*Adopted by SFC
4/12/88*



Chenoweth
4/11/88

Original sponsors: Abood and Fischer

BY THE FINANCE COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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17 (b) A person who has been convicted of a sexual offense and who
18 is confined to a correctional facility shall, within 14 days of enter-
19 ing a municipality or unincorporated community after being released
20 from the correctional facility, register under this chapter.

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22 this chapter to register shall register with the nearest law enforce-
23 ment agency.

24 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
25 ter under AS 33.40.010 is required to register only once. The regis-
26 tration must include

27 (1) a written statement by the person giving the informa-
28 tion required by the department;

29 (2) two sets of fingerprints of the person; and



1 (3) two photographs of the person.

2 (b) Within three days after a person registers under (a) of this
3 section, the law enforcement agency with whom the person registers
4 shall send one set of the person's fingerprints and a photograph to
5 the commissioner or to an office that the commissioner may designate
6 by regulation.

7 (c) The law enforcement agency with whom the person registers
8 shall retain the written statement required by (a)(1) of this section,
9 the second set of the person's fingerprints, and a photograph of the
10 person.

11 Sec. 33.40.040. RELOCATION. (a) A person required to register
12 under this chapter shall notify the law enforcement agency with whom
13 the person last registered of a change of residence within the munici-
14 pality or unincorporated community within 10 days after the change of
15 residence.

16 (b) If a person required to register under this chapter relo-
17 cates from the municipality or unincorporated community in which the
18 person registered under AS 33.40.030, the person shall notify the law
19 enforcement agency nearest to the municipality or unincorporated
20 community to which the person relocates within 10 days after the
21 change of residence.

22 (c) The law enforcement agency that the person notifies under
23 (b) of this section shall ask the law enforcement agency having cus-
24 tody of the person's registration file to provide the registration
25 file. The law enforcement agency having custody of the file shall,
26 within 10 days of receiving the request, transmit the file to the law
27 enforcement agency that the person notified under (b) of this section.

28 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
29 provided in this section, the statements, fingerprints, and other

1 records maintained by a law enforcement agency or the department under
2 this chapter are confidential and shall be maintained by the law
3 enforcement agency or the commissioner in a file separate from other
4 files and records maintained by the law enforcement agency or the
5 commissioner.

6 (b) The commissioner and the law enforcement agencies shall
7 remove copies of registration records, fingerprints, and other records
8 maintained under this chapter from the permanent registration file
9 after 20 years from the date the person registered under AS 33.40.030.
10 However, if the person is convicted of another sexual offense during
11 the period the registration records, fingerprints, and other records
12 are maintained by the law enforcement agency or the commissioner, the
13 commissioner and the law enforcement agencies shall permanently retain
14 these records.

15 (c) Except as provided in AS 33.40.040, copies of statements,
16 fingerprints, and other records maintained under this chapter may be
17 transmitted only if

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19 of a crime and will be used only in the investigation of that crime;
20 and

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22 (A) a local law enforcement agency in the state or in
23 another place;

24 (B) a department of the state involved in the enforce-
25 ment of a criminal law of the state; or

26 (C) a federal law enforcement agency.

27 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
28 who fails to register as required under this chapter or who provides
29 false or misleading information to a law enforcement agency when

1 required under this chapter is guilty of a class A misdemeanor.

2 Sec. 33.40.070. DUTIES OF COMMISSIONER. The commissioner shall
3 adopt regulations necessary to carry out this chapter and shall pre-
4 pare forms to be used to register under this chapter.

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7 (2) "correctional facility" has the meaning given in
8 AS 33.30.901;

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11 (A) in the state under AS 11.41.410 - 11.41.455;

12 (B) in the state under former law that would now
13 constitute an offense described in (A) of this paragraph;

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15 able as one of the offenses listed in (A) of this paragraph if
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19 January 1, 1989, of a sexual offense, as defined in AS 33.40.080(4), enact-
20 ed by sec. 1 of this Act, and who is not confined to a correctional facili-
21 ty shall register with the nearest law enforcement agency by January 31,
22 1989.

23 (b) Notwithstanding AS 33.40.050(b), enacted by sec. 1 of this Act,
24 the commissioner and the law enforcement agencies shall remove from the
25 permanent registration file copies of registration records, fingerprints,
26 and other records maintained under AS 33.40 for a person who is required to
27 register by (a) of this section after 20 years from the later of

28 (1) the date of imposition of sentence following conviction for
29 the sexual offense; or

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(2) the date the person was released from the correctional facility following incarceration for the sexual offense.

* Sec. 3. This Act takes effect January 1, 1989.

5-1158X
Chenoweth
4/11/88

Original sponsors: Abood and Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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19 ing a municipality or unincorporated community after being released
20 from the correctional facility, register under this chapter.

21 Sec. 33.40.020. PLACE OF REGISTRATION. A person required by
22 this chapter to register shall register with the nearest law enforce-
23 ment agency. However, if the nearest law enforcement agency cannot
24 complete the registration under AS 33.40.030(a) or does not compile
25 and maintain a record of registrations under this chapter, the person
26 shall register with the nearest law enforcement office of the depart-
27 ment.

28 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
29 ter under AS 33.40.010 is required to register only once. The

1 registration must include

2 (1) a written statement by the person giving the informa-
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9 commissioner.

10 (b) The commissioner and the law enforcement agencies shall
11 remove copies of registration records, fingerprints, and other records
12 maintained under this chapter from the permanent registration file
13 after 20 years from the date the person registered under AS 33.40.030.
14 However, if the person is convicted of another sexual offense during
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16 are maintained by the law enforcement agency or the commissioner, the
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23 of a crime and will be used only in the investigation of that crime;
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3 who fails to register as required under this chapter or who provides
4 false or misleading information to a law enforcement agency when
5 required under this chapter is guilty of a class A misdemeanor.

6 Sec. 33.40.070. DUTIES OF COMMISSIONER. The commissioner shall
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24 ed by sec. 1 of this Act, and who is not confined to a correctional facili-
25 ty shall register with the nearest law enforcement agency by January 31,
26 1989.

27 (b) Notwithstanding AS 33.40.050(b), enacted by sec. 1 of this Act,
28 the commissioner and the law enforcement agencies shall remove from the
29 permanent registration file copies of registration records, fingerprints,

1 and other records maintained under AS 33.40 for a person who is required to
2 register by (a) of this section after 20 years from the later of

3 (1) the date of imposition of sentence following conviction
4 for the sexual offense; or

5 (2) the date the person was released from the correctional
6 facility following incarceration for the sexual offense.

7 * Sec. 3. This Act takes effect January 1, 1989.
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FISCAL NOTE

REQUEST

Revision Date: 3/25/88
Title: "An Act relating to the registration of persons ..."
Sponsor: Sen. Abood
Requestor: Senate Judiciary

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES		6.7	13.3	13.3	13.3	13.3
TRAVEL		-	-	-	-	-
CONTRACTUAL		2.2	2.2	2.2	2.2	2.2
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		7.7				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		18.6	17.5	17.5	17.5	17.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS		18.6	17.5	17.5	17.5	17.5
FEDERAL FUNDS						
OTHER						
TOTAL		18.6	17.5	17.5	17.5	17.5

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis. *Reduced by JFC 4/11/88*

Prepared by: Joseph Reeves, Program Budget Analyst
Division: Administrative Services

Phone: 465-3223
Date: 3/25/88

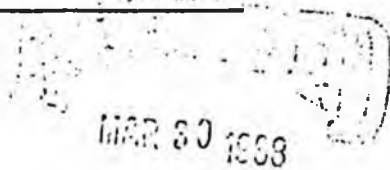
Approved by Commissioner: Arthur English

Date: 3/25/88

Agency: Public Safety

Distribution: (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



LEGISLATIVE FINANCE

Fiscal Note CSSB 467 (Jud)
"Registration of sex offenders"
Department of Public Safety

Passage of this legislation will require the Department to establish and maintain a sex offender central file, provide forms to local law enforcement agencies, and promulgate necessary regulations. At present there are 477 known sexual offenders (against both child and adult victims) in the probation/parole system. There are another 605 presently incarcerated. Of these, approximately 46 enter the probation/parole system yearly. An unknown number of sex offenders have completed their probation/parole requirements and remain in Alaska. An unknown number of additional registrations will be required for individuals who have committed similar crimes in other states and who now reside in Alaska.

In order to meet the responsibilities outlined above, it is conservatively estimated that the Department will need the services of a part time Data Processing Clerk I and supporting costs. These resources will be assigned to the Alaska State Troopers' Criminal Investigation Bureau based in Anchorage.

Assumptions made during the preparation of this fiscal note include that the bill will take effect on January 1, 1989, equipment will be needed in the first year only, and that no inflation is projected.

Anchorage

Data Processing Clerk I

PERSONAL SERVICES - 100

Base Salary (Range 8/A - 6 months)	\$ 9,786	
Benefits	<u>3,523</u>	
TOTAL PERSONAL SERVICES		\$13,309

CONTRACTUAL - 300

Terminal Hook-up and Maintenance	\$ 1,000	
Telephone/Postage, \$85 per month x 12	1,020	
Maintenance Agreement on Typewriter	<u>175</u>	
TOTAL CONTRACTUAL		2,195

SUPPLIES AND MATERIALS - 400

Forms	1,000	
Stationary, copy machine paper, etc.	<u>1,000</u>	
TOTAL SUPPLIES AND MATERIALS		2,000

EQUIPMENT - 500 (FY 89 only)

Desk	576	
Chair	223	
Microcomputer - Compaq 286	<u>6,850</u>	
TOTAL EQUIPMENT		<u>7,649</u>

TOTAL COST		\$25,153
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3/9/88
 = (Jid)
 FIN

STATE OF ALASKA
 1988 LEGISLATIVE SESSION

BILL VERSION: SB 467
 PUBLISH DATE: _____

REVISED FISCAL NOTE

REQUEST

Revision Date: _____
 Title: "An Act relating to . . . the registration of persons . . ."
 Sponsor: Sen. Abood
 Requestor: Senate HESS

Agency Affected: Public Safety
 BRU: Alaska State Troopers
 Components: Criminal Investigation Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES		29.7	29.7	29.7	29.7	29.7
TRAVEL		-	-	-	-	-
CONTRACTUAL		1.2	1.2	1.2	1.2	1.2
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		7.7				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		40.6	32.9	32.9	32.9	32.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		40.6	32.9	32.9	32.9	32.9
FEDERAL FUNDS						
OTHER						
TOTAL		40.6	32.9	32.9	32.9	32.9

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 2/26/88

Approved by Commissioner: A. Hoetker, Dec. Comm.
 Agency: Public Safety

Date: 2-29-88

Distribution: (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

RECEIVED
 MAR 3 1988

SB 467

Fiscal Note SB 467

"Registration of child sex offenders"

Passage of this legislation will require the Department to establish and maintain a child sex offender file, provide forms to local law enforcement agencies, promulgate necessary regulations and to provide followup investigations to assure compliance. At present there are 291 known child sexual offenders in the probation/parole system as well as another 432 presently incarcerated. Of these, approximately 69 enter the probation/parole system yearly. An unknown number of child sex offenders have completed their probation/parole requirements and remain in Alaska. In recent years, increased proactive investigations have taken place in child sex cases, particularly by the joint Alaska State Trooper/Anchorage Police Department which are resulting in an increased number of arrests each year. Currently, there are approximately 200 statewide arrests yearly in these types of cases which could ultimately increase the number of persons who will require registration. An unknown number of additional registrations will be required for individuals who have committed similar crimes in other states who now reside in Alaska.

In order to meet the responsibilities outlined above, it is conservatively estimated that the Department will need the services of a Data Processing Clerk I and supporting costs. These resources will be assigned to the Intelligence Unit of the Criminal Investigation Bureau based in Anchorage.

Assumptions made during the preparation of this fiscal note include that the bill will become effective January 1, 1989, with funding beginning July 1, 1988, in order to allow sufficient lead time to establish the registration program, develop and obtain forms, etc. Further, the fiscal note requests various items of equipment in the first year only and no inflation is presented.

Anchorage

Data Processing Clerk I

PERSONAL SERVICES - 100

Base Salary (Range 8/A)	\$19,572	
Overtime (60 hours)	904	
SUB TOTAL	<u>\$20,476</u>	
Benefits	<u>9,246</u>	
TOTAL PERSONAL SERVICES		\$29,722

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Maintenance Agreement on Typewriter	175	
TOTAL CONTRACTUAL		1,195

SUPPLIES AND MATERIALS - 400

Forms	1,000	
Stationary, copy machine paper, etc.	<u>1,000</u>	
TOTAL SUPPLIES AND MATERIALS		2,000

EQUIPMENT - 500

Desk	576	
Chair	223	
Microcomputer - Compaq 286	<u>6,850</u>	
TOTAL EQUIPMENT		<u>7,649</u>
TOTAL COST		\$40,566

FISCAL NOTE

REQUEST:

Revision Date: 3/4/88 Agency Affected: Public Safety
 Title: An Act relating to registration of persons convicted of sex offenses BRU: Council on Domestic Violence and Sexual Assault
 Sponsor: Ahood Components: _____
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Barbara Miklos, Executive Director *Bm* Phone: 465-4356
 Division: Council on Domestic Violence and Sexual Date: 3/15/88

Approved by Commissioner: *[Signature]* Date: 3-17-88
 Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILL NO: CSSB 467 (HESS)

DATE: 3/17/88

TITLE: An Act relating to the
registration of persons
convicted of sexual offenses

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

This legislation will enable law enforcement agencies to keep track of known sex offenders residing in their jurisdictions. It will also allow the Department of Public Safety to establish a central file of the locations of known sex offenders and will require local law enforcement agencies to report the registration of these offenders to the department.

It is generally agreed among experts that a great number of those who commit sexual offenses are repeat offenders and not good subjects for rehabilitation efforts. As a result, after the completion of a court-ordered sentence, there remains the need to keep track of the whereabouts of these persons to provide an increased degree of protection for the public.

The Department of Public Safety supports this legislation, but suggests that the following amendments be made.

- Page 2, Lines 2-3, change to read: "(2) two sets of fingerprints of the person; and (3) two photographs of the person".
- Page 2, Lines 4-9, delete the present language and substitute:
"(b) Within three days after a person registers under (a) of this section, the law enforcement agency shall send one set of the person's fingerprints and a photograph to the commissioner or to an office that the commissioner may designate by regulation."
- Page 2, Line 27, insert "10 days" instead of "5 days".
- Page 3, Line 11, after "AS 33.40.030", add: "unless during that period the person has been convicted of another sex offense, in which case the records shall be retained permanently."
- Page 3, Line 18, delete the words "the head of".


Arthur English
Commissioner

BILL NO: CS For SB 467 DATE: March 16, 1988
TITLE: An Act relating to the registration of persons CONTACT: Barbara Miklos
convicted of sexual offenses;
and providing for an effective
date.

DEPARTMENT OF
PUBLIC SAFETY

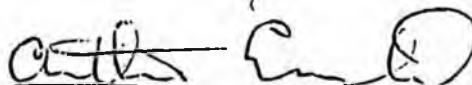
RESISTANCE PAPER

The Council on Council on Domestic Violence and Sexual Assault supports CS for SB 467 (HESS) which provides for the registration of persons convicted of sexual offenses. Alaska has led the nation in reported rape per capita in nine of the last ten years. In addition, cases of reported sexual abuse of minors cases have increased dramatically: from FY80 to FY87 cases reported to the Division of Family and Youth Services increased sevenfold. Persons who commit sexual offenses are likely to be repeat offenders and may move to a new community once they have been caught. Child sex abusers often try to gain employment in educational, recreational or social service programs working with children.

The best predictor for future sex offenses is previous behavior. Research with sex offenders shows that they have multiple victims before being caught. Child sexual abusers may take several years to develop new positions in society and gain the trust of victims before they reoffend. Without treatment, the likelihood of a reoffense is extremely high; even with treatment, it cannot be guaranteed that offenders will refrain from repeating these crimes.

For all the above reasons, it is very important that information about previous convictions for sexual crimes be available to law enforcement officials. With this information, law enforcement officials would be better able to investigate sex crimes. An important provision of the bill is that persons previously convicted of sex offenses in other states would be required to register with the Department of Public Safety. Thus potential employers who have responsibility for children would have increased and speedier access to this information (under AS 12.62.035) and be better able to prevent persons with records of previous sex offenses from working with children.

The Council on Domestic Violence and Sexual Assault supports CS for SB 467 (HESS).


Arthur English, Commissioner

Alaska State Legislature

INTERIM OFFICE
3111 'C' STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-7614

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714



Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

M E M O R A N D U M

TO: SENATOR RICK HALFORD, CHAIRMAN
SENATE FINANCE COMMITTEE MEMBERS

FROM: SENATOR MITCH ABOOD

RE: CSSB 467 (FINANCE)
"AN ACT RELATING TO THE REGISTRATION OF PERSONS
CONVICTED OF SEXUAL OFFENSES; AND PROVIDING FOR
AN EFFECTIVE DATE."

DATE: APRIL 12, 1988

ENCLOSED IN YOUR PACKETS FOR THIS MORNINGS HEARINGS ARE TWO DRAFTS FOR COMMITTEE SUBSTITUTES FOR YOUR CONSIDERATION. DRAFT 1158X ADDRESSES UNDER SEC. 33.40.020 THE CONCERN SENATOR HENSLEY SHOWED REGARDING REGISTRATION IN THE VILLAGES AND WHETHER THE VILLAGE PUBLIC SAFETY OFFICER'S (VPSO'S) WERE TRAINED AND EQUIPPED TO HANDLE THE ADDITIONAL DUTIES IMPOSED ON THEM BY THIS BILL.

MY OFFICE STAFF SPOKE WITH CAPTAIN GLENN GODFREY, CHIEF OF RURAL ENFORCEMENT SERVICES, (THE VPSO PROGRAM) AND WAS ASSURED THE OVERSIGHT TROOPERS WOULD BE AVAILABLE TO ROUTINELY ASSIST THE VPSO'S IN A TIMELY MANNER WITH ANY ADMINISTRATIVE DUTIES THAT MAY BE REQUIRED OF THEM. CURRENTLY THE OFFICER'S ARE NOT TRAINED IN FINGERPRINTING, BUT CAPTAIN GODFREY SAID IF A LOCAL LAW ENFORCEMENT AGENCY FOUND THEY WERE PROCESSING MORE THAN A FEW REGISTRATION FILES, THE SITUATION WOULD BE CONSIDERED ON A "ONE ON ONE" BASIS TO DETERMINE IF THAT AGENCY SHOULD BE PROVIDED WITH THE TRAINING TO HANDLE A PORTABLE FINGERPRINTING UNIT.

IN SECTION 33.40.010 (A) BOTH DRAFTS HAVE INCLUDED LANGUAGE THAT "GRANDFATHER'S" OFFENDERS INTO THE REGISTRATION. PERSONS CONVICTED AFTER DECEMBER 31, 1979, AND BEFORE JANUARY 1, 1989, OF A SEXUAL OFFENSE AND THOSE CONVICTED BUT NOT SENTENCED TO JAIL TIME ARE NOW INCLUDED IN THE BILL.

4/12/88 em

Alaska State Legislature

INTERIM OFFICE
3111 'C' STREET, SUITE 535
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(907) 561-7614

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4747



Senator Mitch Abood
SENATE DISTRICT G-A

CHAIRMAN
STATE AFFAIRS
MAJORITY WHIP

MEMBER
TRANSPORTATION
COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
INTERNATIONAL TRADE

MEMORANDUM

TO: Senator Rick Halford, Co-Chairman
Senate Finance Committee

FROM: Senator Mitch Abood

SUBJECT: Registration of Sex Offenders
CSSE 467 "An act relating to the
registration of persons convicted
of sexual offenses."

DATE: March 28, 1988

I respectfully request your scheduling of the above referenced bill before the Senate Finance Committee at your earliest convenience.

The bill will require convicted sex offenders to register with the Department of Public Safety after the expiration of their probationary and parole terms. Because of the extremely high rate of recidivism with regards to sex offenders, this registration enables the local law enforcement agencies to establish a tracking system of known offenders in the state.

Studies have shown that offenders generally comply with release conditions while under supervision, but revert to previous lifestyles when no monitoring is taking place. SB 467 is an effective way of protecting the public from people who have shown they can't be trusted. If you should have further need for information, please contact myself or Kim Daniels in my office at 465-4747, and we will be happy to provide additional backup.

cc: Senator John Binkley, Co-Chairman

/kd

Spenser Backup

SECTIONAL ANALYSIS OF CSSB 467 (JUDICIARY)

"An act relating to the registration of persons convicted of sexual offenses; and providing for an effective date."

This bill adds a new chapter to Title 33 of the Alaska Statutes. (Probation, Paroles, and Prisoners.)

A person who has been convicted of a felony sexual offense must register with the nearest law enforcement agency.

SECTION 1

Sec. 33.40.010

This section states who is required to register and when, what information the registration must contain, and that the registration must be confidential.

Sec. 33.40.020

The Department of Public Safety shall prepare the forms and adopt regulations to carry out this program.

Sec. 33.40.030

A person is required to register only once, and shall provide the department with two sets of fingerprints and two photographs.

Sec. 33.40.040

Each time a person moves from one community to another within Alaska, he or she must contact the new local law enforcement agency. The registration file shall then be sent to the current agency.

Sec. 33.40.050

The Department shall remove copies of the registration after 20 years. If the person reoffends, the records shall be retained permanently.

A request for records may be made if it is necessary for the investigation of a crime.

Sec. 33.40.060

The penalty for non-registration is a Class A Misdemeanor.

The effective date is January 1, 1989.

BILL NO: SB 467

DATE: 2/26/88

TITLE: An Act relating to the protection of children and registration of persons convicted of sexual offenses against children...

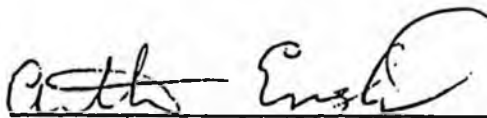
CONTACT: Col. Robert E. Jent
269-5641

DEPARTMENT OF
PUBLIC SAFETY

This legislation will enable law enforcement agencies to keep track of known child sex offenders residing in their jurisdictions. It will provide within the Criminal Investigation Bureau a central file of the locations of known child sex offenders and it will require local law enforcement agencies to report the registration of these offenders to the Department of Public Safety.

It is generally agreed among experts that a great number of those who commit sexual offenses against children are repeat offenders and not good subjects for rehabilitation efforts. As a result, after the completion of a court-ordered sentence, there remains the need to keep track of these individuals' whereabouts in order to provide an extra preventative measure as well as increased degree of protection for the public.

The Department of Public Safety supports this legislation with the proposed amendments listed the attached page.



Arthur English, Commissioner

POSTER /

Amendments Proposed

- (1) Sec. 33.40.040(c) restricts the ability of the Department to disseminate information regarding child sex offenders to local law enforcement agencies. While a request for a specific individual could be responded to, often crimes are investigated without a suspect being identified. It would be of great assistance to local law enforcement agencies if the Department of Public Safety could scan the records for violators within an area of a child sex crime as well as those individuals modus opprandi and provide that information to those investigators working on an active investigation. Providing such a listing would need to be accompanied by restrictions against secondary users to protect the rights of the offenders. Accordingly it is suggested that the current wording in Sec. 33.40.040(c) be dropped and the following substituted:

"(c) Information on child sex offenders in local jurisdictions will be provided to a law enforcement agency upon request as part of an ongoing child sexual abuse investigation where the suspect or suspects are unknown."

Without this or a similar wording change the usefulness of this legislation to the law enforcement community will be severely limited.

- (2) The bill does not address an effective date. It will be necessary for department to have sufficient lead time to develop an appropriate registration system, supply reporting forms to local law enforcement agencies and establish the positions noted in the fiscal note. It is suggested that an additional section be included in the bill as follows:

"* Sec. 2. This Act takes effect January 1, 1989."

- (3) Specific wording needs to be added noting when the time frame begins for the removal of copies of registration records, etc. The following wording changes are suggested under Sec. 33.40.040(b):

"(1) after 20 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

"(2) after 10 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

"(3) after 5 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

SIDE BY SIDE COMPARISON

SB 467

CSSB 467 (HESS)

Page 1, lines 6-8: "An Act relating to the [protection of children and the] registration of persons convicted of sexual offenses [against children]"

Page 1, lines 6-8: "An Act relating to the registration of persons convicted of sexual offenses; and providing for an effective date."

Page 1, line 12: OFFENSES [AGAINST CHILDREN]

Page 1, line 12: OFFENSES

Page 1, line 14: has been convicted of a sexual offense [against a child] and who is not

Page 1, line 14: has been convicted of a sexual offense and who is not...

Page 1, line 18: (b) A person who has been convicted of a sexual offense [against a child]...

Page 1, line 18: (b) A person who has been convicted of a sexual offense and who

Page 1, lines 26-27: Sec.33.40.030. REGISTRATION. [(a) Except as provided in (b) of this section] a person required to register under AS 33.40.010 is required to register only once. The registration must include

Page 1, line 26-28 Sec. 33.40.030 REGISTRATION. (a) A person required to register under AS 33.40.010 is required to register only once. The registration must include

Page 2, lines 4-9: (b) A person required to register under this chapter shall notify the law enforcement agency with whom the person last registered of a change of residence within 10 days after the change of residence.
(c) A law enforcement agency that receives registration information under this section shall forward that information to the department within three days after receiving it.

Page 2, lines 4-11: (b) The law enforcement agency with whom a person registers under (a) of this section shall prepare duplicate sets of the registration information provided under (a) of this section. Within three days after receiving it, one set shall be forwarded to the commissioner or to the office that the commissioner may designate by regulation.

Page 2, lines 4-11 (cont.): (c) The law enforcement agency with whom the person registers shall retain the second set.

Page 2, lines 12-29: Sec.33.40.040. RELOCATION. (a) A person required to register under this chapter shall notify the law enforcement agency with whom the person last registered of a change of residence within the municipality or unincorporated community within 10 days after the change of residence.

(b) If a person required to register under this chapter relocates from the municipality or unincorporated community in which the person registered under AS 33.40.030, the person shall notify the law enforcement agency nearest to the municipality or unincorporated community to which the person relocates within 10 days after the change of residence.

(c) The law enforcement agency that the person notified under (b) of this section shall ask the law enforcement agency having custody of the person's registration file to provide the registration file. The law enforcement agency having custody of the file shall, within five days of receiving the request, transmit the file to the law enforcement agency that the person notified under (b) of this section.

Page 2, lines 19-29;

Page 3, lines 1-10: ...under this chapter from the permanent registration

- (1) after 20 years for a person convicted of a sexual offense against a child that is an unclassified felony;
- (2) after 10 years for a person convicted of a sexual offense against a child that is a class A felony;

Page 3, lines 10-22: ...permanent registration after 20 years from the date the person registered under AS 33.40.030

(c) Except as provided in AS 33.40.040, copies of statements, fingerprints, and other records maintained under this chapter may be transmitted only if

- (1) the record requested is necessary for the the investigation of a crime and will be used only in the investigation of that crime; and

(3) after five years for a person convicted of a sexual offense against a child that is a class B or class C felony.
(c) Copies of statements, fingerprints, and other records maintained under this chapter may be transmitted only if the request for the record
(1) is made in writing
(2) is for the record of a person named in the request or a person whose fingerprints match the fingerprints in the request;
(3) states that the record requested is necessary for the investigation of a crime and will be used only in the investigation of that crime; and
(4) is received from the head of
(A) a local law enforcement agency in the state or in another place;
(B) a department of the state involved in the enforcement of a criminal law of the state; or

Page 3, lines 12-15: Sec. 33.40.050. PENALTY. A person convicted of a sexual offense [against a child] who fails to register as required under this chapter or who [knowingly] provides false or misleading information to a law enforcement agency is guilty of a class A misdemeanor.

(2) the request is received from the head of
(A) a local law enforcement agency in the state or in another place;
(B) a department of the state involved in the enforcement of a criminal law of the state; or

Page 3, lines 24-27: Sec. 330.40.060 PENALTY. A person convicted of a sexual offense who fails to register as required under this chapter or who provides false or misleading information to a law enforcement agency when required under this chapter is guilty of a class A misdemeanor.

Page 4, lines 1-2: (?) "correctional facility" has the meaning given in AS 33.30.901.;

Page 3, lines 19-20: (3) "person convicted of a sexual offense [against a child]" means a person convicted of an offense

Page 3, lines 21-28: (A) in the state under AS 11.41.410, or 11.41.450 if the victim of the sexual offense is a person who was under 18 years of age;
(B) in the state under AS 11.41.434, 11.41.436, 11.41.438, 11.41.440, or 11.41.455;
(C) in the state under former law that would be punishable as one of the offenses listed in (A) or (B) of this paragraph;

Page 4, lines 3-7: Sec. 2 Notwithstanding AS 33.40.010 (a), enacted by sec. 1 of this Act, a person who has been convicted of a sexual offense [against a child] as defined in AS 33.40.060(3), enacted by sec. 1 of this Act, and who is not confined to a correction facility shall register with the nearest law enforcement agency within 30 days after the effective date of this Act.

Page 4, lines 4-5: (4) "person convicted of a sexual offense" means a person convicted of an offense.

Page 4, lines 6-8: (A) in the state under AS 11.41.410-AS 11.41.455
(B) in the state under former law that would now constitute an offense described in (A) of this paragraph;

Page 4, lines 12-17: Sec.2 Notwithstanding AS 33.40.010(a) enacted by sec. 1 of this Act, a person who has been convicted of a sexual offense, as defined in AS 33.40.070(4) enacted by sec. 1 of this Act, and who is not confined to a correctional facility shall register with the nearest law enforcement agency by January 31, 1989.
Sec. 3. This Act takes effect January 1, 1989.

Original sponsors: Abood and Fischer

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 467 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the registration of persons
7 convicted of sexual offenses; and providing for an
8 effective date."

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

10 * Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
12 OFFENSES.

13 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
14 has been convicted of a sexual offense and who is not confined to a
15 correctional facility shall, within 14 days of entering a municipality
16 or unincorporated community, register with the nearest law enforcement
17 agency.

18 (b) A person who has been convicted of a sexual offense and who
19 is confined to a correctional facility shall register with the nearest
20 law enforcement agency within 14 days of entering a municipality or
21 unincorporated community after being released from the correctional
22 facility.

23 Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
24 adopt regulations necessary to carry out this chapter and shall pre-
25 pare forms to be used to register under this chapter.

26 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
27 ter under AS 33.40.010 is required to register only once. The regis-
28 tration must include

29 (1) a written statement by the person giving the

1 information required by the department;

2 (2) two sets of fingerprints of the person; and

3 (3) two photographs of the person.

4 (b) Within three days after a person registers under (a) of this
5 section, the law enforcement agency with whom the person registers
6 shall send one set of the person's fingerprints and a photograph to
7 the commissioner or to an office that the commissioner may designate
8 by regulation.

9 (c) The law enforcement agency with whom the person registers
10 shall retain the written statement required by (a)(1) of this section,
11 the second set of the person's fingerprints, and a photograph of the
12 person.

13 Sec. 33.40.040. RELOCATION. (a) A person required to register
14 under this chapter shall notify the law enforcement agency with whom
15 the person last registered of a change of residence within the munici-
16 pality or unincorporated community within 10 days after the change of
17 residence.

18 (b) If a person required to register under this chapter relo-
19 cates from the municipality or unincorporated community in which the
20 person registered under AS 33.40.030, the person shall notify the law
21 enforcement agency nearest to the municipality or unincorporated
22 community to which the person relocates within 10 days after the
23 change of residence.

24 (c) The law enforcement agency that the person notifies under
25 (b) of this section shall ask the law enforcement agency having cus-
26 tody of the person's registration file to provide the registration
27 file. The law enforcement agency having custody of the file shall,
28 within 10 days of receiving the request, transmit the file to the law
29 enforcement agency that the person notified under (b) of this section.

1 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
2 provided in this section, the statements, fingerprints, and other
3 records maintained by a law enforcement agency or the department under
4 this chapter are confidential and shall be maintained by the law
5 enforcement agency or the commissioner in a file separate from other
6 files and records maintained by the law enforcement agency or the
7 commissioner.

8 (b) The commissioner and the law enforcement agencies shall
9 remove copies of registration records, fingerprints, and other records
10 maintained under this chapter from the permanent registration after 20
11 years from the date the person registered under AS 33.40.030. How-
12 ever, if the person is convicted of another sexual offense during the
13 period the registration records, fingerprints, and other records are
14 maintained by the law enforcement agency or the commissioner, the
15 commissioner and the law enforcement agencies shall permanently retain
16 these records.

17 (c) Except as provided in AS 33.40.040, copies of statements,
18 fingerprints, and other records maintained under this chapter may be
19 transmitted only if

20 (1) the record requested is necessary for the investigation
21 of a crime and will be used only in the investigation of that crime;
22 and

23 (2) the request is received from

24 (A) a local law enforcement agency in the state or in
25 another place;

26 (B) a department of the state involved in the enforce-
27 ment of a criminal law of the state; or

28 (C) a federal law enforcement agency.

29 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense

1 who fails to register as required under this chapter or who provides
2 false or misleading information to a law enforcement agency when
3 required under this chapter is guilty of a class A misdemeanor.

4 Sec. 33.40.070. DEFINITIONS. In this chapter

5 (1) "commissioner" means the commissioner of public safety;

6 (2) "correctional facility" has the meaning given in
7 AS 33.30.901;

8 (3) "department" means the Department of Public Safety;

9 (4) "sexual offense" means an offense

10 (A) in the state under AS 11.41.410 - 11.41.455;

11 (B) in the state under former law that would now
12 constitute an offense described in (A) of this paragraph;

13 (C) in another jurisdiction that would now be punish-
14 able as one of the offenses listed in (A) or (B) of this para-
15 graph if committed in the state.

16 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec. 1 of this
17 Act, a person who has been convicted of a sexual offense, as defined in
18 AS 33.40.070(4), enacted by sec. 1 of this Act, and who is not confined to
19 a correctional facility shall register with the nearest law enforcement
20 agency by January 31, 1989.

21 * Sec. 3. This Act takes effect January 1, 1989.

Original sponsors: Abood and Fischer

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 467 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the registration of persons
8 convicted of sexual offenses; and providing for an
9 effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 33 is amended by adding a new chapter to read:
12 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
13 OFFENSES.
14 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
15 has been convicted of a sexual offense and who is not confined to a
16 correctional facility shall, within 14 days of entering a municipality
17 or unincorporated community, register with the nearest law enforcement
18 agency.
19 (b) A person who has been convicted of a sexual offense and who
20 is confined to a correctional facility shall register with the nearest
21 law enforcement agency within 14 days of entering a municipality or
22 unincorporated community after being released from the correctional
23 facility.
24 Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
25 adopt regulations necessary to carry out this chapter and shall pre-
26 pare forms to be used to register under this chapter.
27 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
28 ter under AS 33.40.010 is required to register only once. The regis-
29 tration must include
(1) a written statement by the person giving the

1 information required by the department;

2 (2) the fingerprints of the person; and

3 (3) a photograph of the person.

4 (b) The law enforcement agency with whom a person registers
5 under (a) of this section shall prepare duplicate sets of the regis-
6 tration information provided under (a) of this section. Within three
7 days after receiving it, one set shall be forwarded to the commis-
8 sioner or to the office that the commissioner may designate by regu-
9 lation.

10 (c) The law enforcement agency with whom the person registers
11 shall retain the second set.

12 Sec. 33.40.040. RELOCATION. (a) A person required to register
13 under this chapter shall notify the law enforcement agency with whom
14 the person last registered of a change of residence within the munici-
15 pality or unincorporated community within 10 days after the change of
16 residence.

17 (b) If a person required to register under this chapter relo-
18 cates from the municipality or unincorporated community in which the
19 person registered under AS 33.40.030, the person shall notify the law
20 enforcement agency nearest to the municipality or unincorporated
21 community to which the person relocates within 10 days after the
22 change of residence.

23 (c) The law enforcement agency that the person notifies under
24 (b) of this section shall ask the law enforcement agency having cus-
25 tody of the person's registration file to provide the registration
26 file. The law enforcement agency having custody of the file shall,
27 within five days of receiving the request, transmit the file to the
28 law enforcement agency that the person notified under (b) of this
29 section.

1 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
2 provided in this section, the statements, fingerprints, and other
3 records maintained by a law enforcement agency or the department under
4 this chapter are confidential and shall be maintained by the law
5 enforcement agency or the commissioner in a file separate from other
6 files and records maintained by the law enforcement agency or the
7 commissioner.

8 (b) The commissioner and the law enforcement agencies shall
9 remove copies of registration records, fingerprints, and other records
10 maintained under this chapter from the permanent registration after 20
11 years from the date the person registered under AS 33.40.030.

12 (c) Except as provided in AS 33.40.040, copies of statements,
13 fingerprints, and other records maintained under this chapter may be
14 transmitted only if

15 (1) the record requested is necessary for the investigation
16 of a crime and will be used only in the investigation of that crime;
17 and

18 (2) the request is received from the head of

19 (A) a local law enforcement agency in the state or in
20 another place;

21 (B) a department of the state involved in the enforce-
22 ment of a criminal law of the state; or

23 (C) a federal law enforcement agency.

24 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
25 who fails to register as required under this chapter or who provides
26 false or misleading information to a law enforcement agency when
27 required under this chapter is guilty of a class A misdemeanor.

28 Sec. 33.40.070. DEFINITIONS. In this chapter

29 (1) "commissioner" means the commissioner of public safety;

1 (2) "correctional facility" has the meaning given in
2 AS 33.30.901;

3 (3) "department" means the Department of Public Safety;

4 (4) "person convicted of a sexual offense" means a person
5 convicted of an offense

6 (A) in the state under AS 11.41.410 - 11.41.455;

7 (B) in the state under former law that would now
8 constitute an offense described in (A) of this paragraph;

9 (C) in another jurisdiction that would now be punish-
10 able as one of the offenses listed in (A) or (B) of this para-
11 graph if committed in the state.

12 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec. 1 of this
13 Act, a person who has been convicted of a sexual offense, as defined in
14 AS 33.40.070(4), enacted by sec. 1 of this Act, and who is not confined to
15 a correctional facility shall register with the nearest law enforcement
16 agency by January 31, 1989.

17 * Sec. 3. This Act takes effect January 1, 1989.

18

1 IN THE SENATE

BY ABOOD

2

SENATE BILL NO. 467

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the protection of children and
7 the registration of persons convicted of sexual
8 offenses against children."

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

10 * Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
12 OFFENSES AGAINST CHILDREN.

13 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
14 has been convicted of a sexual offense against a child and who is not
15 confined to a correctional facility shall, within 14 days of entering
16 a municipality or unincorporated community, register with the nearest
17 law enforcement agency.

18 (b) A person who has been convicted of a sexual offense against
19 a child and who is confined to a correctional facility shall register
20 with the nearest law enforcement agency within 14 days of entering a
21 municipality or unincorporated community after being released from the
22 correctional facility.

23 Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
24 adopt regulations necessary to carry out this chapter and shall pre-
25 pare forms to be used to register under this chapter.

26 Sec. 33.40.030. REGISTRATION. (a) Except as provided in (b) of
27 this section, a person required to register under AS 33.40.010 is
28 required to register only once. The registration must include

29 (1) a written statement by the person giving the

1 information required by the department;

2 (2) the fingerprints of the person; and

3 (3) a photograph of the person.

4 (b) A person required to register under this chapter shall
5 notify the law enforcement agency with whom the person last registered
6 of a change of residence within 10 days after the change of residence.

7 (c) A law enforcement agency that receives registration informa-
8 tion under this section shall forward that information to the depart-
9 ment within three days after receiving it.

10 Sec. 33.40.040. REGISTRATION FILE. (a) Except as otherwise
11 provided in this section, the statements, fingerprints, and other
12 records maintained by a law enforcement agency or the department under
13 this chapter are confidential and shall be maintained by the law
14 enforcement agency or the commissioner in a file separate from other
15 files and records maintained by the law enforcement agency or the
16 commissioner.

17 (b) The commissioner or law enforcement agency shall remove
18 copies of registration records, fingerprints, and other records main-
19 tained under this chapter from the permanent registration

20 (1) after 20 years for a person convicted of a sexual
21 offense against a child that is an unclassified felony;

22 (2) after 10 years for a person convicted of a sexual
23 offense against a child that is a class A felony;

24 (3) after five years for a person convicted of a sexual of-
25 fense against a child that is a class B or class C felony.

26 (c) Copies of statements, fingerprints, and other records main-
27 tained under this chapter may be transmitted only if the request for
28 the record

29 (1) is made in writing;

1 (2) is for the record of a person named in the request or a
2 person whose fingerprints match the fingerprints in the request;

3 (3) states that the record requested is necessary for the
4 investigation of a crime and will be used only in the investigation of
5 that crime; and

6 (4) is received from the head of

7 (A) a local law enforcement agency in the state or in
8 another place;

9 (B) a department of the state involved in the enforce-
10 ment of a criminal law of the state; or

11 (C) a federal law enforcement agency.

12 Sec. 33.40.050. PENALTY. A person convicted of a sexual offense
13 against a child who fails to register as required under this chapter
14 or who knowingly provides false or misleading information to a law
15 enforcement agency is guilty of a class A misdemeanor.

16 Sec. 33.40.060. DEFINITIONS. In this chapter

17 (1) "commissioner" means the commissioner of public safety;

18 (2) "department" means the Department of Public Safety;

19 (3) "person convicted of a sexual offense against a child"
20 means a person convicted of an offense

21 (A) in the state under AS 11.41.410, 11.41.420, or
22 11.41.450 if the victim of the sexual offense is a person who was
23 under 18 years of age;

24 (B) in the state under AS 11.41.434, 11.41.436,
25 11.41.438, 11.41.440, or 11.41.455;

26 (C) in the state under former law that would be pun-
27 ishable as one of the offenses listed in (A) or (B) of this para-
28 graph;

29 (D) in another jurisdiction that would be punishable

1 as one of the offenses listed in (A) or (B) of this paragraph if
2 committed in the state.

3 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec.1 of this
4 Act, a person who has been convicted of a sexual offense against a child,
5 as defined in AS 33.40.060(3), enacted by sec. 1 of this Act, and who is
6 not confined to a correctional facility shall register with the nearest law
7 enforcement agency within 30 days after the effective date of this Act.

SENATE COMMITTEE REPORT

revd 3/4
arm

FURTHER

[Handwritten signature]

3/4/88

DATE TURNED INTO OFFICE _____

Mr. President:

Judiciary

Committee considered SB 467

protection of children and the registration of persons convicted of sexual offenses against children

and recommended

replace with _____ CS SB 467 (Judiciary) same title
 or adopt _____ CS new title

attached amendment(s) and *and reports it back with a majority no recommendation*

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

[Signature]

OTHER RECOMMENDATIONS

[Signature] No Rec
[Signature] No Rec
[Signature] No Rec

Committee Backup attached

[Signature] No Rec.
chairman signature and recommendation

SENATE COMMITTEE REPORT

(6)

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/16/88
Mr. President:

DATE TURNED INTO OFFICE 3/3/88

HESS: AFFAIRS

Committee considered SB 467

protection of children and the registration of persons convicted
of sexual offenses against children

Majority
and recommended:

replace with ~~CS~~ CS SB 467 (HESS) same title
 attached amendment(s) and *do pass* new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Joe Robertson

Lloyd Jones

2 Ken Fanning No Rec

Committee Backup Attached

Paul Frisk. Do Pass

Chairman signature and recommendation