

SB

467

5-1158L

Chenoweth
3/23/88

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.
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