

1 SB26  
2 192297-4  
3 By Senator Chambliss  
4 RFD: Education and Youth Affairs  
5 First Read: 09-JAN-18  
6 PFD: 12/05/2017

1 SB26

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3  
4 ENROLLED, An Act,

5 Relating to the Alabama Sex Offender Registration  
6 and Community Notification Act; to create Annalyn's Law; to  
7 amend Sections 15-20A-27, as last amended by Act 2017-414,  
8 2017 Regular Session, and 15-20A-30, Code of Alabama 1975; to  
9 require local law enforcement to notify the local  
10 superintendent of education when a low-risk juvenile sex  
11 offender is planning to establish or has established a fixed  
12 residence within the jurisdiction of the board; to require  
13 juvenile sex offenders to notify local law enforcement of any  
14 change in school attendance; to further provide that failure  
15 to comply, unless otherwise provided, constitutes a Class C  
16 felony; to require the State Board of Education to develop,  
17 and each local board of education to adopt, a comprehensive  
18 model policy for the supervision and monitoring of low risk  
19 juvenile sex offender students attending school with the  
20 general student population; to require alternative educational  
21 placement for any juvenile sex offender who is a moderate or  
22 high risk for re-offense; to amend Sections 15-20A-5, as last  
23 amended by Act 2017-414, 2017 Regular Session, 15-20A-6, and  
24 15-20A-44, Code of Alabama 1975, to correct a technical error  
25 in the list of offenses constituting sex offenses, and to

1 correct internal citations to the corrected section; and in  
2 connection therewith would have as its purpose or effect the  
3 requirement of a new or increased expenditure of local funds  
4 within the meaning of Amendment 621 of the Constitution of  
5 Alabama of 1901, now appearing as Section 111.05 of the  
6 Official Recompilation of the Constitution of Alabama of 1901,  
7 as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 1 to 3, inclusive, of this act  
10 shall be known and may be cited as Annalyn's Law.

11 Section 2. Sections 15-20A-27, as last amended by  
12 Act 2017-414, 2017 Regular Session, and 15-20A-30 of the Code  
13 of Alabama 1975, are amended to read as follows:

14 "§15-20A-27.

15 "(a) In determining whether to apply notification  
16 requirements to a juvenile sex offender, the sentencing court  
17 shall consider any of the following factors relevant to the  
18 risk of re-offense:

19 "(1) Conditions of release that minimize the risk of  
20 re-offense, including, but not limited to, whether the  
21 juvenile sex offender is under supervision of probation,  
22 parole, or aftercare; receiving counseling, therapy, or  
23 treatment; or residing in a home situation that provides  
24 guidance and supervision.

1           "(2) Physical conditions that minimize the risk of  
2 re-offense, including, but not limited to, advanced age or  
3 debilitating illness.

4           "(3) Criminal history factors indicative of high  
5 risk of re-offense, including whether the conduct of the  
6 juvenile sex offender was found to be characterized by  
7 repetitive and compulsive behavior.

8           "(4) Whether psychological or psychiatric profiles  
9 indicate a risk of recidivism.

10           "(5) The relationship between the juvenile sex  
11 offender and the victim.

12           "(6) The particular facts and circumstances  
13 surrounding the offense.

14           "(7) The level of planning and participation in the  
15 offense.

16           "(8) Whether the offense involved the use of a  
17 weapon, violence, or infliction of serious bodily injury.

18           "(9) The number, date, and nature of prior offenses.

19           "(10) The response to treatment of the juvenile sex  
20 offender.

21           "(11) Recent behavior, including behavior while  
22 confined or while under supervision in the community.

23           "(12) Recent threats against persons or expressions  
24 of intent to commit additional crimes.

25           "(13) The protection of society.

1           "(14) Any other factors deemed relevant by the  
2 court.

3           "(b) If the sentencing court determines that the  
4 juvenile sex offender shall be subject to notification, the  
5 level of notification shall be applied as follows:

6           "(1) If the risk of re-offense is low, notification  
7 that the juvenile sex offender will be establishing or has  
8 established a fixed residence shall be provided by local law  
9 enforcement to the principal of the public or nonpublic school  
10 where the juvenile sex offender will attend after release and,  
11 if a public school, to the local superintendent of education  
12 with jurisdiction over that school. This notification shall  
13 include the name, actual living address, date of birth of the  
14 juvenile sex offender, and a statement of the sex offense for  
15 which he or she has been adjudicated delinquent, including the  
16 age and gender of the victim. This information shall be  
17 considered confidential by the school and the local  
18 superintendent of education and be shared only with the  
19 teachers and staff with supervision over the juvenile sex  
20 offender. Whoever, except as specifically provided herein,  
21 directly or indirectly discloses or makes use of or knowingly  
22 permits the use of information concerning a juvenile sex  
23 offender described in this section, upon conviction thereof,  
24 shall be guilty of a Class C felony within the jurisdiction of  
25 the juvenile court.

1           "(2) If the risk of re-offense is moderate,  
2 notification that the juvenile sex offender will be  
3 establishing, or has established, a fixed residence shall be  
4 provided by local law enforcement to all schools and childcare  
5 facilities within three miles of the declared fixed residence  
6 of the juvenile sex offender. A community notification flyer  
7 shall be mailed by regular mail or hand delivered to all  
8 schools or childcare facilities as required by this  
9 subsection. No other method may be used to disseminate this  
10 information.

11           "(3) If the risk of re-offense is high, the public  
12 shall receive notification as though the juvenile sex offender  
13 were an adult sex offender in accordance with Section  
14 15-20A-21.

15           "(c) The sentencing court shall enter an order  
16 stating whether the juvenile sex offender shall be subject to  
17 notification and the level of notification that shall be  
18 applied. The court shall provide a copy of the order to the  
19 prosecuting attorney and to the Alabama State Law Enforcement  
20 Agency.

21           "(d) The determination of notification by the  
22 sentencing court shall not be subject to appeal.

23           "§15-20A-30.

24           "(a) Immediately upon release or immediately upon  
25 adjudication of delinquency if the juvenile sex offender is

1 not committed, the juvenile sex offender and the parent,  
2 custodian, or guardian shall register all required  
3 registration information with local law enforcement in each  
4 county in which the juvenile sex offender resides or intends  
5 to reside.

6 "(b) Whenever a juvenile sex offender establishes a  
7 new residence, the juvenile sex offender and the parent,  
8 custodian, or guardian of the juvenile sex offender shall  
9 immediately appear in person to register all required  
10 registration information with local law enforcement in each  
11 county of residence.

12 "(c) If the parent, custodian, or guardian of a  
13 juvenile sex offender transfers or terminates the residence of  
14 the juvenile sex offender, or the custody of the juvenile sex  
15 offender is changed to a different parent, custodian, or  
16 guardian resulting in a transfer of residence, the original  
17 parent, custodian, or guardian with custody shall immediately  
18 notify local law enforcement in each county of residence.

19 "(d) Whenever a juvenile sex offender changes any  
20 required registration information including, but not limited  
21 to, his or her school attendance status, the juvenile sex  
22 offender and the parent, custodian, or guardian of the  
23 juvenile sex offender shall immediately appear in person to  
24 update the required registration information with local law

1 enforcement in each county in which the juvenile sex offender  
2 resides.

3 "(e) A juvenile sex offender required to register  
4 for life pursuant to Section 15-20A-28 shall appear in person  
5 with his or her parent, custodian, or guardian to verify all  
6 required registration information during the birth month of  
7 the juvenile sex offender and every three months thereafter  
8 with the local law enforcement in each county of residence  
9 unless the juvenile sex offender has been relieved from  
10 registration requirements pursuant to Section 15-20A-34.

11 "(f) A juvenile sex offender required to register  
12 for 10 years pursuant to Section 15-20A-28 shall appear in  
13 person with his or her parent, custodian, or guardian to  
14 verify all required registration information during the birth  
15 month of the juvenile sex offender and every year thereafter  
16 with local law enforcement in each county of residence unless  
17 the juvenile sex offender has been relieved from registration  
18 requirements pursuant to Section 15-20A-24.

19 "(g) At the time of registration, the juvenile sex  
20 offender shall be provided a form explaining all duties and  
21 any restrictions placed on the juvenile sex offender. The  
22 juvenile sex offender and the parent, custodian, or guardian  
23 of the juvenile sex offender shall read and sign this form  
24 stating that he or she understands the duties and restrictions

1 placed on the juvenile sex offender and his or her parent,  
2 custodian, or guardian.

3 "(h) When a juvenile sex offender becomes the age of  
4 majority, the parent, custodian, or guardian of the juvenile  
5 sex offender shall no longer be subject to the requirements of  
6 this section, and the juvenile sex offender shall instead be  
7 solely responsible for the requirements in this section.

8 "(i) A person who knowingly violates this section  
9 shall be guilty of a Class C felony."

10 Section 3. (a) (1) On or before January 1, 2019, the  
11 State Board of Education shall develop a comprehensive model  
12 policy for the supervision and monitoring of juvenile sex  
13 offender students, who have a low risk of re-offense and are  
14 enrolled, attending class, and participating in school  
15 activities with the general population of students. The  
16 purpose of the model policy is to provide a safe and secure  
17 environment for all students and staff. The model policy shall  
18 be adopted by each local board of education and implemented  
19 beginning with the 2020-2021 school year. The model policy, at  
20 a minimum, shall contain all of the following components:

21 a. Application to all school property and  
22 school-sponsored functions including, but not limited to,  
23 classroom instructional time, assemblies, athletic events,  
24 extracurricular activities, and school bus transportation.

1           b. An initial meeting of all parties immediately  
2 upon the enrollment of the low risk juvenile sex offender, and  
3 frequent meetings thereafter as necessary to provide for the  
4 continual monitoring of the student and a safe school  
5 environment for all. The principal and all appropriate school  
6 personnel who have received confidential notification pursuant  
7 to subdivision (1) of subsection (b) of Section 15-20A-27,  
8 Code of Alabama 1975, in consultation with juvenile probation  
9 professionals, shall meet with the student, and the parent or  
10 guardian of the student, to create and implement an  
11 individualized student safety plan. The principal shall  
12 determine other appropriate school personnel to be included in  
13 the meetings to assist in defining school expectations.  
14 Student safety plans shall outline the responsibilities of all  
15 parties in safely managing the behavior of the student and  
16 protecting all students. The plan shall be consistent with  
17 existing disciplinary policies and procedures, student conduct  
18 policies, and mandatory reporting policies. Student safety  
19 plans shall include, but not be limited to, all of the  
20 following:

21           1. An outline of conditions or limitations, or both,  
22 on the low risk juvenile sex offender concerning his or her  
23 interactions on school property and when participating in  
24 school activities.

1           2. An effective procedure, developed in conjunction  
2 with school staff in consultation with the parent or guardian  
3 of the student, for communicating concerns relating to the  
4 student.

5           3. Guidelines for expected intervention actions for  
6 high-risk behaviors and for reinforcing positive behaviors  
7 based on the needs of the student and the safety of all  
8 students and staff.

9           4. Procedures for the continual review of each plan  
10 by staff designated by the principal and for monitoring and  
11 changing the plan on an as-needed basis by school staff.

12           5. Safeguards for protecting confidential  
13 information.

14           c. Continuity of information and monitoring of  
15 low-risk juvenile sex offender students over time as the  
16 students change schools and as administrators and school  
17 personnel change.

18           d. Comprehensive training for school personnel to  
19 take appropriate action upon noticing an increase or  
20 escalation of those behaviors in a low risk juvenile sex  
21 offender student, both for the short and long-term safety of  
22 that student and all other students.

23           e. In addition to the mandatory reporting  
24 requirements pursuant to Section 26-14-3, Code of Alabama  
25 1975, school personnel shall report violations of plan

1 expectations to the principal when they occur. Upon  
2 notification, the principal, as appropriate, shall follow the  
3 procedures and intervention actions detailed in the safety  
4 plan created pursuant to this section.

5 (2) When a low risk juvenile sex offender student  
6 changes schools, the principal shall notify local law  
7 enforcement and local law enforcement shall notify the  
8 principal of the new school and, where applicable, the local  
9 superintendent of education pursuant to subsection (b) of  
10 Section 15-20A-27, Code of Alabama 1975. The principal of the  
11 prior school shall ensure that all records and safety plans  
12 pertaining to the low risk juvenile sex offender student  
13 follow the student to his or her new school. If the sex  
14 offender status or probation or parole status of the student  
15 changes, the principal shall notify the appropriate school  
16 staff as part of the safety planning of the school. The  
17 principal and school staff shall maintain confidentiality  
18 regarding these students as required by law. Any information  
19 received by a principal, school personnel, or local  
20 superintendent of education as a result of a notification is  
21 confidential and may not be further disseminated except as  
22 provided in Section 15-20A-27, Code of Alabama 1975, and other  
23 state law and the Family and Educational and Privacy Rights  
24 Act of 1994, 20 U.S. Code Section 1232g et. seq. Any school  
25 district employee who releases information in compliance with

1 state and federal law is immune from civil liability in  
2 accordance with Section 36-1-12, Code of Alabama 1975.

3 (b) (1) The sentencing court shall have the  
4 discretion to determine whether a juvenile sex offender  
5 classified as having a moderate or high risk or reoffending  
6 should return to a public school. Upon making this  
7 determination, the court shall consult with a juvenile  
8 probation officer and the local superintendent of education to  
9 determine appropriate educational placement.

10 (2) Any alternative placement of a student with a  
11 disability who receives special education services shall be  
12 made in compliance with the Individuals with Disabilities  
13 Education Act, 20 U.S.C. §1400 et seq., and its implementing  
14 regulations, 34 C.F.R. Part 300.

15 Section 4. Sections 15-20A-5, as last amended by Act  
16 2017-414, 2017 Regular Session, 15-20A-6, and 15-20A-44 of the  
17 Code of Alabama 1975, are amended to read as follows:

18 "§15-20A-5.

19 "For the purposes of this chapter, a sex offense  
20 includes any of the following offenses:

21 "(1) Rape in the first degree, as provided by  
22 Section 13A-6-61.

23 "(2) Rape in the second degree, as provided by  
24 Section 13A-6-62.

1           "(3) Sodomy in the first degree, as provided by  
2 Section 13A-6-63.

3           "(4) Sodomy in the second degree, as provided by  
4 Section 13A-6-64.

5           "(5) Sexual misconduct, as provided by Section  
6 13A-6-65, provided that on a first conviction or adjudication  
7 the sex offender is only subject to registration and  
8 verification pursuant to this chapter. On a second or  
9 subsequent conviction or adjudication of a sex offense, if the  
10 second or subsequent conviction or adjudication does not arise  
11 out of the same set of facts and circumstances as the first  
12 conviction or adjudication of a sex offense, the sex offender  
13 shall comply with all requirements of this chapter. The  
14 sentencing court may exempt from this chapter a juvenile sex  
15 offender adjudicated delinquent of sexual misconduct.

16           "(6) Sexual torture, as provided by Section  
17 13A-6-65.1.

18           "(7) Sexual abuse in the first degree, as provided  
19 by Section 13A-6-66.

20           "(8) Sexual abuse in the second degree, as provided  
21 by Section 13A-6-67.

22           "(9) Indecent exposure, as provided by Section  
23 13A-6-68, provided that on a first conviction or adjudication  
24 of a sex offense, the sex offender is only subject to  
25 registration and verification pursuant to this chapter. On a

1 second or subsequent conviction or adjudication of a sex  
2 offense, if the second or subsequent conviction or  
3 adjudication does not arise out of the same set of facts and  
4 circumstances as the first conviction or adjudication, the sex  
5 offender shall comply with all requirements of this chapter.  
6 The sentencing court may exempt from this chapter a juvenile  
7 sex offender adjudicated delinquent of indecent exposure.

8 "(10) Enticing a child to enter a vehicle, room,  
9 house, office, or other place for immoral purposes, as  
10 provided by Section 13A-6-69.

11 "(11) Sexual abuse of a child less than 12 years  
12 old, as provided by Section 13A-6-69.1.

13 "(12) Promoting prostitution in the first degree, as  
14 provided by Section 13A-12-111.

15 "(13) Promoting prostitution in the second degree,  
16 as provided by Section 13A-12-112.

17 "(14) Violation of the Alabama Child Pornography  
18 Act, as provided by Section 13A-12-191, 13A-12-192,  
19 13A-12-196, or 13A-12-197. The sentencing court may exempt  
20 from this chapter a juvenile sex offender adjudicated  
21 delinquent of a violation of the Alabama Child Pornography Act  
22 after the juvenile has been counseled on the dangers of the  
23 conduct for which he or she was adjudicated delinquent.

24 "(15) Unlawful imprisonment in the first degree, as  
25 provided by Section 13A-6-41, if the victim of the offense is

1 a minor, and the record of adjudication or conviction reflects  
2 the intent of the unlawful imprisonment was to abuse the minor  
3 sexually.

4 "(16) Unlawful imprisonment in the second degree, as  
5 provided by Section 13A-6-42, if the victim of the offense is  
6 a minor, and the record of adjudication or conviction reflects  
7 the intent of the unlawful imprisonment was to abuse the minor  
8 sexually.

9 "(17) Kidnapping in the first degree, as provided by  
10 subdivision (4) of subsection (a) of Section 13A-6-43, if the  
11 intent of the abduction is to violate or abuse the victim  
12 sexually.

13 "(18) Kidnapping of a minor, except by a parent,  
14 guardian, or custodian, as provided by Section 13A-6-43 or  
15 13A-6-44.

16 "(19) Incest, as provided by Section 13A-13-3.

17 "(20) Transmitting obscene material to a child by  
18 computer, as provided by Section 13A-6-111.

19 "(21) School employee engaging in a sex act or  
20 deviant sexual intercourse with a student, or having sexual  
21 contact or soliciting a sex act or sexual contact with a  
22 student as provided by ~~Section~~ Sections 13A-6-81 and 13A-6-82.

23 ~~"(22) School employee having sexual contact with a~~  
24 ~~student, as provided by Section 13A-6-82~~ Foster parent  
25 engaging in a sex act, having sexual contact, or soliciting a

1 sex act or sexual contact with a foster child as provided by  
2 Section 13A-6-71.

3 "(23) Facilitating solicitation of unlawful sexual  
4 conduct with a child, as provided by Section 13A-6-121.

5 "(24) Electronic solicitation of a child, as  
6 provided by Section 13A-6-122.

7 "(25) Facilitating the on-line solicitation of a  
8 child, as provided by Section 13A-6-123.

9 "(26) Traveling to meet a child for an unlawful sex  
10 act, as provided by Section 13A-6-124.

11 "(27) Facilitating the travel of a child for an  
12 unlawful sex act, as provided by Section 13A-6-125.

13 "(28) Human trafficking in the first degree, as  
14 provided by Section 13A-6-152, provided that the offense  
15 involves sexual servitude.

16 "(29) Human trafficking in the second degree, as  
17 provided by Section 13A-6-153, provided that the offense  
18 involves sexual servitude.

19 "(30) Custodial sexual misconduct, as provided by  
20 Section 14-11-31.

21 "(31) Sexual extortion, as provided by Section  
22 13A-6-241.

23 "(32) Directing a child to engage in a sex act, as  
24 provided in Section 13A-6-243.

1           "(33) Any offense which is the same as or equivalent  
2 to any offense set forth above as the same existed and was  
3 defined under the laws of this state existing at the time of  
4 such conviction, specifically including, but not limited to,  
5 crime against nature, as provided by Section 13-1-110; rape,  
6 as provided by Sections 13-1-130 and 13-1-131; carnal  
7 knowledge of a woman or girl, as provided by Sections 13-1-132  
8 through 13-1-135, or attempting to do so, as provided by  
9 Section 13-1-136; indecent molestation of children, as defined  
10 and provided by Section 13-1-113; indecent exposure, as  
11 provided by Section 13-1-111; incest, as provided by Section  
12 13-8-3; offenses relative to obscene prints and literature, as  
13 provided by Sections 13-7-160 through 13-7-175, inclusive;  
14 employing, harboring, procuring or using a girl over 10 and  
15 under 18 years of age for the purpose of prostitution or  
16 sexual intercourse, as provided by Section 13-7-1; seduction,  
17 as defined and provided by Section 13-1-112; a male person  
18 peeping into a room occupied by a female, as provided by  
19 Section 13-6-6; assault with intent to ravish, as provided by  
20 Section 13-1-46; and soliciting a child by computer, as  
21 provided by Section 13A-6-110.

22           "(34) Any solicitation, attempt, or conspiracy to  
23 commit any of the offenses listed in subdivisions (1) to ~~(31)~~  
24 (33), inclusive.

1           "(35) Any crime committed in Alabama or any other  
2 state, the District of Columbia, any United States territory,  
3 or a federal, military, Indian, or foreign country  
4 jurisdiction which, if it had been committed in this state  
5 under the current provisions of law, would constitute an  
6 offense listed in subdivisions (1) to ~~(32)~~ (34), inclusive.

7           "(36) Any offense specified by Title I of the  
8 federal Adam Walsh Child Protection and Safety Act of 2006  
9 (Pub. L. 109-248, the Sex Offender Registration and  
10 Notification Act (SORNA)).

11           "(37) Any crime committed in another state, the  
12 District of Columbia, any United States territory, or a  
13 federal, military, Indian, or foreign country jurisdiction if  
14 that jurisdiction also requires that anyone convicted of that  
15 crime register as a sex offender in that jurisdiction.

16           "(38) Any offender determined in any jurisdiction to  
17 be a sex offender shall be considered a sex offender in this  
18 state.

19           "(39) The foregoing notwithstanding, any crime  
20 committed in any jurisdiction which, irrespective of the  
21 specific description or statutory elements thereof, is in any  
22 way characterized or known as rape, carnal knowledge, sodomy,  
23 sexual assault, sexual battery, criminal sexual conduct,  
24 criminal sexual contact, sexual abuse, continuous sexual  
25 abuse, sexual torture, solicitation of a child, enticing or

1 luring a child, child pornography, lewd and lascivious  
2 conduct, taking indecent liberties with a child, molestation  
3 of a child, criminal sexual misconduct, video voyeurism, or  
4 there has been a finding of sexual motivation.

5 "(40) Any crime not listed in this section wherein  
6 the underlying felony is an element of the offense and listed  
7 in subdivisions (1) to (39), inclusive.

8 "(41) Any other offense not provided for in this  
9 section wherein there is a finding of sexual motivation as  
10 provided by Section 15-20A-6.

11 "§15-20A-6.

12 "(a) (1) The indictment, count in the indictment,  
13 information, complaint or warrant charging the offense may  
14 include a specification of sexual motivation or the  
15 prosecuting attorney may file an allegation of sexual  
16 motivation in any criminal case classified as a felony or  
17 Class A misdemeanor if sufficient admissible evidence exists  
18 that would justify a finding of sexual motivation by a  
19 reasonable and objective finder of fact.

20 "(2) If a specification is included in the  
21 indictment, count in the indictment, information, complaint,  
22 or warrant charging the offense the specification shall be  
23 stated at the end of the body of the indictment, count in the  
24 indictment, information, complaint, or warrant and shall be in  
25 substantially the following form: "SPECIFICATION or

1 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert  
2 appropriate name) further find and specify that the offender  
3 committed the offense with a sexual motivation."

4 "(3) If the prosecuting attorney files an allegation  
5 of sexual motivation, it shall be filed within a reasonable  
6 time after indictment to give sufficient notice to the  
7 defendant.

8 "(b) If the indictment, count of the indictment,  
9 information, complaint, or warrant charging the offense  
10 includes a specification of sexual motivation or if the  
11 prosecuting attorney files an allegation of sexual motivation,  
12 the state shall prove beyond a reasonable doubt that the  
13 defendant committed the offense with a sexual motivation.

14 "(c) The court shall make a written finding of fact,  
15 to be made part of the record upon conviction or adjudication  
16 as a youthful offender, of whether or not a sexual motivation  
17 was present at the time of the commission of the offense  
18 unless the defendant has a trial by jury.

19 "(d) If a defendant has a trial by jury, the jury,  
20 if it finds the defendant guilty, shall also find a special  
21 verdict as to whether or not the defendant committed the crime  
22 with a sexual motivation.

23 "(e) If there is a finding of sexual motivation, the  
24 finding shall be made part of the record of conviction or  
25 adjudication.

1           "(f) For purposes of this section, sexual motivation  
2 means that one of the purposes for which the defendant  
3 committed the crime was for the purpose of the sexual  
4 gratification of the defendant.

5           "(g) This section shall not apply to sex offenses as  
6 defined in subdivisions (1) to ~~(38)~~ (40), inclusive, of  
7 Section 15-20A-5.

8           "§15-20A-44.

9           "(a) The Secretary of the Alabama State Law  
10 Enforcement Agency shall promulgate rules establishing an  
11 administrative hearing for persons who are only made subject  
12 to this chapter pursuant to subdivision ~~(33)~~ (37) of Section  
13 15-20A-5.

14           "(b) The Secretary of the Alabama State Law  
15 Enforcement Agency shall promulgate rules setting forth a  
16 listing of offenses from other jurisdictions that are to be  
17 considered criminal sex offenses under subdivision ~~(33)~~ (37)  
18 of Section 15-20A-5. Thereafter, any individual convicted of  
19 any offense set forth in the listing shall immediately be  
20 subject to this chapter and shall not be entitled to an  
21 administrative hearing as provided in subsection (a).

22           "(c) The Secretary of the Alabama State Law  
23 Enforcement Agency shall have the authority to promulgate any  
24 rules as are necessary to implement and enforce this chapter."

1           Section 5. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, now  
5 appearing as Section 111.05 of the Official Recompilation of  
6 the Constitution of Alabama of 1901, as amended, because the  
7 bill defines a new crime or amends the definition of an  
8 existing crime.

9           Section 6. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB26  
Senate 15-FEB-18  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 22-MAR-18

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Senate concurred in House amendment 27-MAR-18

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By: Senator Chambliss