

Ala. Code 1975, § 15-20A-9

Failing to Provide Registration Information Prior to Release
(Adult)

The defendant is charged with failing to provide registration information prior to release or immediately upon conviction if not incarcerated.

A person commits the crime of failing to provide registration information prior to release or immediately upon conviction if not incarcerated if he/she is an adult sex offender and fails to provide to the responsible agency, the required registration information and any other information deemed necessary by the Director of the Department of Public Safety pursuant to Section 15-20A-7 of the Code of Alabama at least 30 days prior to release, or immediately upon notice of release if release is less than 30 days, from the county jail, municipal jail, Department of Corrections, or any other facility that has incarcerated the adult sex offender, or immediately upon conviction, if the adult sex offender is not incarcerated.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant was a sex offender;
- (2) The defendant, at least 30 days prior to release, or immediately upon notice of release if release is less than 30 days, from the county jail, municipal jail, Department of Corrections, or any other facility that has incarcerated the adult sex offender, or immediately upon conviction, if the adult sex offender is not incarcerated, failed to provide the responsible agency, the following required registration information:

[Read all appropriate]:

- a. Name, including any aliases, nicknames, ethnic, or tribal names;
- b. Date of birth;
- c. Social Security number;
- d. Address of each residence;
- e. Name and address of any school he/she attends or will attend;
- f. Name and address of any employer where he/she works or will work, including any transient or day laborer information;
- g. The license plate number, registration number or identifier, description, and permanent or frequent location where all vehicles are kept for any vehicle used for work or personal use, including land vehicles, aircraft, and watercraft;
- h. Any telephone number used, including land line and cell phone numbers;

- i. Any email addresses or instant message address or identifiers used, including any designations or monikers used for self-identification in Internet communications or postings;
- j. A current photograph;
- k. A physical description including physical appearance, physical characteristics, and identifying marks such as scars and tattoos;
- l. Fingerprints and palm prints;
- m. A DNA sample;
- n. A photocopy of the valid driver license or identification card;
- o. A photocopy of any and all passport and immigration documents;
- p. Any professional licensing information that authorizes him/her to engage in an occupation or carry out a trade or business;
- q. A full criminal history, including dates of all arrests and convictions, status of parole, probation, or supervised release, registration status, and outstanding arrest warrants;
- r. A list of any and all Internet service providers used by the sex offender; **(OR)**
- s. Any other information deemed necessary by the Secretary of the Alabama State Law Enforcement Agency; **(AND)**

(3) The defendant did so knowingly.

An *adult sex offender* is a person convicted of a sex offense. [15-20A-4(1)]

A *sex offense* includes any of the following offenses: **[Insert all appropriate from 15-20A-5].**

A *conviction* is a verdict or finding of guilt as the result of a trial, a plea of guilty, a plea of nolo contendere, or an *Alford* plea regardless of whether adjudication was withheld. Conviction includes, but is not limited to, a conviction in a United States territory, a conviction in a federal or military tribunal, including a court martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian reservation or other federal property, a conviction in any state of the United States or a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5)(B) of Public Law 109-248. Cases on appeal are deemed convictions until reversed or overturned. [15-20A-4(4)]

Release means release from a state prison, county jail, municipal jail, mental health facility, release or discharge from the custody of the Department of Youth Services or other juvenile detention, or placement on an appeal bond, probation, parole, or aftercare, placement into any facility or treatment program that allows the sex offender to have unsupervised access to the public, or release from any other facility, custodial or noncustodial, where the sex offender is sentenced or made a ward of that facility by a circuit, district, or juvenile judge. [15-20A-4(18)]

Immediately is within three business days. [15-20A-4(10)]

Responsible Agency is the person or government entity whose duty it is to obtain information from a sex offender and to transmit that information to the Alabama State Law Enforcement Agency, police departments, and sheriffs. For a sex offender being released from state prison, the responsible agency is the Department of Corrections. For a sex offender being released from a county jail, the responsible agency is the sheriff of that county. For a sex offender being released from a municipal jail, the responsible agency is the chief of police of that municipality. For a sex offender being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court or designee of the sentencing court. For a juvenile sex offender being released from the Department of Youth Services, the responsible agency is the Department of Youth Services. For a sex offender who is being released from a jurisdiction outside this state and who is to reside in this state, the responsible agency is the sheriff of the county in which the offender intends to establish a residence. [15-20A-4(21)]

Required registration information is any information required pursuant to 15-20A-7. [15-20A-4(19)]

[Read as appropriate]: A *residence* is each fixed residence or other place where a person resides, sleeps, or habitually lives or will reside, sleep, or habitually live. If a person does not reside, sleep, or habitually live in a fixed residence, residence means a description of the locations where the person is stationed regularly, day or night, including any mobile or transitory living quarters or locations that have no specific mailing or street address. Residence shall be construed to refer to the places where a person resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the person declares or characterizes such place as a residence. [15-20A-4(20)]

A *fixed residence* is a building or structure, having a physical address or street number, that adequately provides shelter at which a person resides. [15-20A-4(6)]

Habitually lives is where a person lives with some regularity on an intermittent or temporary basis. [15-20A-4(7)]

[Read as appropriate]: A *school* includes an educational institution, public or private, including a secondary school, a trade or professional school, or an institution of higher education. (15-20A-7(a)(5))

[Read as appropriate]: *Employment* is full-time, part-time, self-employment, or employment as an independent contractor or day laborer for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit. [15-20A-4(5)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense, then you shall find the defendant guilty of this offense.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense, then you cannot find the defendant guilty of this offense.

Use Notes

See 15-20A-35 for treatment of youthful offender.

[Approved 9-8-15.]