

1 HB332
2 203977-2
3 By Representatives Estes, Robertson, Kiel, McMillan, Greer,
4 Isbell, Shiver, Faust, Farley, Whitt, Reynolds, Brown (K),
5 Crawford, Rich, Hanes, Fincher, Whorton, Stadthagen, Marques,
6 Easterbrook, Sullivan and Allen
7 RFD: Judiciary
8 First Read: 27-FEB-20

SYNOPSIS: Under current law, there is no statewide registry for individuals convicted of terrorism.

This bill would create a statewide registry for individuals convicted of certain federal terrorism offenses and would provide what information would need to be maintained in the registry, the time of registration, and would require local law enforcement agencies and the Alabama State Law Enforcement Agency to register individuals convicted of certain terrorism offenses.

This bill would provide criminal penalties for failure to register, would provide for the registration of homeless offenders, provide for a searchable public website of offenders, would establish fees associated with registration, would provide notification to law enforcement prior to certain travel outside the state and the country.

1 The bill would require the Alabama State Law
2 Enforcement Agency to adopt rules to implement and
3 administer the registry.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment.
20 However, the bill does not require approval of a
21 local governmental entity or enactment by a 2/3
22 vote to become effective because it comes within
23 one of the specified exceptions contained in the
24 amendment.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to terrorism; to add Division 2, commencing
4 with Section 13A-10-160.01, to Article 7 of Chapter 10 of
5 Title 13A, Code of Alabama 1975; to create a statewide
6 terrorism registry; to specify the information to be
7 maintained in the registry; to provide for the time of
8 registration; to require local law enforcement agencies and
9 the Alabama State Law Enforcement Agency to register
10 individuals convicted of terrorism; to provide criminal
11 penalties for failure to register; to provide for the
12 registration of homeless offenders; to provide for a
13 searchable public website of offenders; to establish fees
14 associated with registration; to provide notification to law
15 enforcement prior to certain travel outside the state and the
16 country; to require the Alabama State Law Enforcement Agency
17 to adopt rules to implement the registry; and in connection
18 therewith would have as its purpose or effect the requirement
19 of a new or increased expenditure of local funds within the
20 meaning of Amendment 621 of the Constitution of Alabama of
21 1901, now appearing as Section 111.05 of the Official
22 Recompilation of the Constitution of Alabama of 1901, as
23 amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Article 7 of Chapter 10 of Title 13A,
26 commencing with Section 13A-10-150, is designated as Division
27 1.

1 Section 2. Division 2, commencing with Section
2 13A-10-160.01, is added to Article 7 of Chapter 10 of Title
3 13A, Code of Alabama 1975, to read as follows:

4 Division 2. Terrorism Registration.

5 §13A-10-160.01.

6 This act shall be known and may be cited as "The
7 Mike Spann Tribute Law."

8 §13A-10-160.02.

9 This division is applicable to every adult convicted
10 of any federal terrorism offense under Chapter 113B of Part I
11 of Title 18 of the United States Code Annotated, without
12 regard to when the crime was committed or when the duty to
13 register arose.

14 §13A-10-160.03.

15 For the purposes of this division, the following
16 terms shall have the following meanings:

17 (1) AGENCY. The Alabama State Law Enforcement
18 Agency.

19 (2) CONVICTION. A verdict or finding of guilt as the
20 result of a trial, a plea of guilty, a plea of nolo
21 contendere, or an Alford plea regardless of whether
22 adjudication was withheld. Conviction includes, but is not
23 limited to, a conviction in a United States territory, a
24 conviction in a federal or military tribunal, including a
25 court martial conducted by the Armed Forces of the United
26 States, a conviction for an offense committed on an Indian
27 reservation or other federal property, a conviction in any

1 state of the United States or a conviction in a foreign
2 country if the foreign country's judicial system is such that
3 it satisfies minimum due process set forth in the guidelines
4 under Section 111(5) (B) of Public Law 109-248. Cases on appeal
5 are deemed convictions until reversed or overturned.

6 (3) IMMEDIATELY. Within three business days.

7 (4) LOCAL LAW ENFORCEMENT. The sheriff of the county
8 and the chief of police if the location subject to
9 registration is within the corporate limits of any
10 municipality, or, if applicable, the chief law enforcement
11 officer for a federally recognized Indian tribe.

12 (5) RESIDE. To be habitually or systematically
13 present at a place. Whether a person is residing at a place
14 shall be determined by the totality of the circumstances,
15 including the amount of time the person spends at the place
16 and the nature of the person's conduct at the place. The term
17 reside includes, but is not limited to, spending more than
18 four hours a day at the place on three or more consecutive
19 days; spending more than four hours a day at the place on 10
20 or more aggregate days during a calendar month; or spending
21 any amount of time at the place coupled with statements or
22 actions that indicate an intent to live at the place or to
23 remain at the place for the periods specified in this
24 sentence. A person does not have to conduct an overnight visit
25 to reside at a place.

1 (6) RESIDENCE. A fixed residence or other place
2 where the person resides, regardless of whether the person
3 declares or characterizes such place as a residence.

4 (7) RESPONSIBLE AGENCY. The person or government
5 entity whose duty it is to obtain information from a terrorism
6 offender and to transmit that information to the Alabama State
7 Law Enforcement Agency, police departments, and sheriffs. For
8 a terrorism offender being released from federal prison and
9 who intends to establish a residence in this state, the
10 Alabama State Law Enforcement Agency is responsible for
11 gathering information relating to the offender.

12 (8) TERRORISM OFFENDER or OFFENDER. An adult
13 convicted of any federal terrorism offense under Chapter 113B
14 of Part I of Title 18 of the United States Code Annotated.

15 §13A-10-160.04.

16 (a) The following registration information shall be
17 provided by the terrorism offender when registering:

18 (1) Name, including any aliases, nicknames, ethnic,
19 or tribal names.

20 (2) Date of birth.

21 (3) Social Security number.

22 (4) Address of each residence.

23 (5) Name and address of any school the defendant
24 attends or will attend. For purposes of this subdivision, a
25 school includes an educational institution, public or private,
26 including a secondary school, a trade or professional school,
27 or an institution of higher education.

1 (6) Name and address of any employer where the
2 terrorism offender works or will work, including any transient
3 or day laborer information.

4 (7) The license plate number, registration number or
5 identifier, description, and permanent or frequent location
6 where all vehicles are kept for any vehicle used for work or
7 personal use, including land vehicles, aircraft, and
8 watercraft.

9 (8) Any telephone number used, including land line
10 and cell phone numbers.

11 (9) Any email addresses or instant message address
12 or identifiers used, including any designations or monikers
13 used for self-identification in Internet communications or
14 postings other than those used exclusively in connection with
15 a lawful commercial transaction.

16 (10) A current photograph.

17 (11) A physical description of the terrorism
18 offender, including physical appearance, physical
19 characteristics, and identifying marks, such as scars and
20 tattoos.

21 (12) Fingerprints and palm prints.

22 (13) A DNA sample. The DNA sample may be collected
23 by the agency, a sheriff, or police officer. Prior to
24 collecting a DNA sample, the responsible agency or agency
25 shall determine if a DNA sample has already been collected for
26 the terrorism offender. If a DNA sample has not been
27 previously collected for the terrorism defender, the agency

1 shall coordinate for the collection of a DNA sample with the
2 sheriff of the county in which the terrorism offender resides.
3 The collection of a DNA sample should be performed using
4 materials recommended or provided by the Alabama Department of
5 Forensic Sciences. The DNA sample shall be immediately
6 forwarded by the entity collecting the sample to the
7 Department of Forensic Sciences.

8 (14) A photocopy of the valid driver license or
9 identification card.

10 (15) A photocopy of any and all passport and
11 immigration documents.

12 (16) Any professional licensing information that
13 authorizes the defendant to engage in an occupation or carry
14 out a trade or business.

15 (17) A full criminal history of the terrorism
16 offender, including dates of all arrests and convictions,
17 status of parole, probation, or supervised release,
18 registration status, and outstanding arrest warrants.

19 (18) A list of any and all Internet service
20 providers used by the terrorism offender.

21 (19) Any other information deemed necessary by the
22 Secretary of the agency.

23 (b) The agency is not required to obtain any of the
24 following information each time the terrorism offender
25 verifies his or her required registration information if the
26 agency verifies the information has already been collected and
27 has not been changed or altered:

1 (1) A current photograph.

2 (2) Fingerprints or palm prints.

3 (3) A DNA sample.

4 (4) A photocopy of the valid driver license or
5 identification card.

6 (5) A photocopy of any and all passport and
7 immigration documents.

8 (c) The registration information shall be collected
9 by the Alabama State Law Enforcement Agency in a manner
10 determined by the secretary of the agency and adopted in rule
11 by the secretary.

12 (d) The required registration information shall
13 include a form explaining all registration and notification
14 duties, including any requirements and restrictions placed on
15 the defendant. This form shall be signed and dated by the
16 terrorism offender. If the terrorism offender fails to sign
17 the form, the designee of the agency shall sign the form
18 stating that the requirements have been explained to the
19 offender and that the offender refused to sign.

20 (e) All required registration information shall be
21 stored electronically in a manner determined by the secretary
22 of the agency and shall be available in a digitized format by
23 the agency to anyone entitled to receive the information as
24 provided in Section 13A-10-160.14.

25 (f) Any person who knowingly fails to provide the
26 required registration information, or who knowingly provides

1 false information, pursuant to this section shall be guilty of
2 a Class C felony.

3 §13A-10-160.05.

4 (a) Terrorism offenders convicted of federal
5 terrorism offenses under Chapter 113B of Part I of Title 18 of
6 the United States Code Annotated, the Alabama State Law
7 Enforcement Agency shall adopt procedures to establish checks
8 of federal convictions for terrorism offenses and public
9 records in this state to identify any Alabama residents who
10 may be subject to the registration requirements under this
11 division, as well as notification procedures to those
12 offenders who are subject to registration.

13 (b) A terrorism offender who knowingly fails to
14 comply with this section by failing to provide the required
15 registration information shall be guilty of a Class C felony.

16 §13A-10-160.06.

17 (a) Any terrorism offender who declares he or she is
18 entering the state to establish a residence or who enters this
19 state to establish a residence shall immediately appear in
20 person and register all required registration information with
21 local law enforcement in the county where the terrorism
22 offender intends to establish or establishes a residence.

23 (b) Any terrorism offender who enters this state to
24 accept employment, a volunteer position, or to become a
25 student shall immediately appear in person and register all
26 required registration information with local law enforcement

1 in the county where the offender accepts employment, the
2 volunteer position, or becomes a student.

3 (c) Whenever a terrorism offender registers pursuant
4 to this section, he or she shall be subject to the
5 requirements of this division.

6 (d) Within 30 days of initial registration, the
7 terrorism offender shall provide each registering agency with
8 a certified copy of his or her terrorism conviction; however,
9 an offender shall be exempt from this subsection if the
10 offender provides adequate documentation that the certified
11 record is no longer available or has been destroyed.

12 (e) Any person who knowingly violates this section
13 shall be guilty of a Class C felony.

14 §13A-10-160.07.

15 (a) Immediately upon establishing a new residence,
16 accepting employment, accepting a volunteer position, or
17 beginning school attendance, the terrorism offender shall
18 appear in person to register with local law enforcement in
19 each county in which the offender establishes a residence,
20 accepts employment, accepts a volunteer position, or begins
21 school attendance.

22 (b) (1) Immediately upon transferring or terminating
23 any residence, employment, or school attendance, the terrorism
24 offender shall appear in person to notify local law
25 enforcement in each county in which the terrorism offender is
26 transferring or terminating residence, employment, or school
27 attendance.

1 (2) Whenever a terrorism offender transfers his or
2 her residence, as provided in subdivision (1) from one county
3 to another county, the sheriff of the county from which the
4 terrorism offender is transferring his or her residence shall
5 immediately notify local law enforcement in the county in
6 which the terrorism offender intends to reside. If a terrorism
7 offender transfers his or her residence, as provided in
8 subdivision (1) from one county to another jurisdiction, the
9 sheriff of the county from which the terrorism offender is
10 transferring his or her residence shall immediately notify the
11 chief law enforcement agency in the jurisdiction in which the
12 offender intends to reside.

13 (c) Immediately upon any name change, subject to
14 restrictions provided in 13A-10-160.11, the terrorism offender
15 shall immediately appear in person to update the information
16 with local law enforcement in each county in which the
17 offender is required to register.

18 (d) (1) Upon changing any required registration
19 information, including by transferring or terminating a
20 residence, the terrorism offender shall immediately appear in
21 person and update the information with local law enforcement
22 in each county in which the terrorism offender resides.
23 Provided, however, any changes in telephone numbers, email
24 addresses, instant message addresses, or other on-line
25 identifiers or Internet service providers may be reported to
26 local law enforcement in person, electronically, or

1 telephonically as required by the local law enforcement
2 agency.

3 (2) Notwithstanding any other provision of law
4 regarding the establishment of residence, a terrorism offender
5 has transferred or terminated his or her residence for
6 purposes of subdivision (1) whenever the offender vacates his
7 or her residence or fails to spend three or more consecutive
8 days at his or her residence without previously notifying
9 local law enforcement or completing a travel notification
10 document pursuant to Section 13A-10-160.08.

11 (e) A terrorism offender shall appear in person to
12 verify all required registration information during the
13 terrorism offender's birth month and every three months
14 thereafter, regardless of the month of conviction, for the
15 duration of the offender's life, with local law enforcement in
16 each county in which the offender resides.

17 (f) At the time of the initial registration, and at
18 any subsequent times of registration, the terrorism offender
19 shall be provided a form explaining any and all duties and
20 restrictions placed on the offender. The terrorism offender
21 shall read and sign this form stating that he or she
22 understands the duties and restrictions imposed by this
23 division. If the offender refuses to sign the form, the
24 designee of the registering agency shall sign the form stating
25 that the requirements have been explained to the offender and
26 that the offender refused to sign.

1 (g) For purposes of this section, a school includes
2 an educational institution, public or private, including a
3 secondary school, a trade or professional school, or an
4 institution of higher education.

5 (h) Any person who knowingly violates this section
6 shall be guilty of a Class C felony.

7 §13A-10-160.08.

8 (a) A terrorism offender who no longer has a fixed
9 residence shall be considered homeless and shall appear in
10 person and report the change in fixed residence to local law
11 enforcement where he or she is located immediately upon the
12 change in fixed residence.

13 (b) In addition to complying with the registration
14 requirements pursuant to Section 13A-10-160.04, a homeless
15 terrorism offender who lacks a fixed residence, or who does
16 not provide an address at a fixed residence at the time of
17 release or registration, shall report in person once every
18 seven days to law enforcement agency where he or she resides.
19 If the offender resides within the city limits of a
20 municipality, he or she shall report to the chief of police.
21 If the offender resides outside of the city limits of a
22 municipality he or she shall report to the sheriff of the
23 county. The weekly report shall be on a day specified by local
24 law enforcement and shall occur during normal business hours.

25 (c) (1) Each time a homeless terrorism offender
26 reports under this section, he or she shall provide all of the
27 following information:

- 1 a. Name.
- 2 b. Date of birth.
- 3 c. Social Security number.
- 4 d. A detailed description of the location or
- 5 locations where he or she has resided during the week.
- 6 e. A list of the locations where he or she plans to
- 7 reside in the upcoming week with as much specificity as
- 8 possible.

9 (2) The registering agency is not required to obtain
10 the remaining required registration information from the
11 homeless terrorism offender each time he or she reports to the
12 registering agency unless the homeless offender has any
13 changes to the remaining required registration information.

14 (d) If a terrorism offender who was homeless obtains
15 a fixed residence, the offender shall immediately appear in
16 person to update the information with local law enforcement in
17 each county of residence.

18 (e) Any person who knowingly violates this section
19 shall be guilty of a Class C felony.

20 §13A-10-160.09.

21 (a) Immediately before a terrorism offender
22 temporarily leaves his or her county of residence for a period
23 of three or more consecutive days, the offender shall report
24 in person to the sheriff in each county of residence and
25 complete and sign a travel notification document.

26 (b) The travel notification document shall be a form
27 prescribed by the Alabama State Law Enforcement Agency to

1 collect dates of travel, the intended destination or
2 destinations, temporary lodging information, and any other
3 information reasonably necessary to monitor an offender who
4 plans to travel.

5 (c) If a terrorism offender intends to travel to
6 another country, he or she shall report in person to the
7 sheriff in each county of residence and complete a travel
8 notification document at least 21 days prior to the travel. If
9 the travel to another country is for a family or personal
10 medical emergency or a death in the family, then the offender
11 shall report in person to the sheriff in each county of
12 residence immediately prior to travel. Any information
13 reported to the sheriff in each county of residence shall
14 immediately be reported to the United States Marshals Service
15 and the Alabama State Law Enforcement Agency.

16 (d) The travel notification document shall explain
17 the duties of the terrorism offender regarding travel as
18 prescribed by the Alabama State Law Enforcement Agency and a
19 certification that the offender understands the duties
20 required of him or her and that the information he or she
21 provided on the travel notification document is true and
22 correct. No offender shall provide false information on the
23 travel notification document.

24 (e) The sheriff in each county of residence shall
25 immediately notify local law enforcement in the county or the
26 jurisdiction to which the terrorism offender will be
27 traveling.

1 (f) Upon return to the county of residence, the
2 terrorism offender shall immediately report to the sheriff in
3 each county of residence.

4 (g) All completed travel notification documents
5 shall be included with the adult terrorism offender's required
6 registration information.

7 (h) Any person who knowingly violates this section
8 shall be guilty of a Class C felony.

9 §13A-10-160.10.

10 (a) A terrorism offender shall pay a registration
11 fee in the amount of ten dollars (\$10) to each registering
12 agency where the offender resides beginning with the first
13 quarterly registration after the effective date of this act,
14 and at each quarterly registration thereafter.

15 (b) Each time a terrorism offender terminates his or
16 her residence and establishes a new residence, he or she shall
17 pay a registration fee in the amount of ten dollars (\$10) to
18 each registering agency where the offender establishes a new
19 residence.

20 (c) If, at the time of registration, the terrorism
21 offender is unable to pay the registration fee, the
22 registering agency may require the offender to pay the fee in
23 installments not to exceed 90 days. The registering agency
24 shall waive the registration fee if the offender has an order
25 from the court declaring his or her indigence. In the event
26 the offender is determined to be indigent, a periodic review
27 of the offender's indigent status shall be conducted by the

1 court to determine if the offender is no longer indigent.
2 Further, if the offender is determined to be indigent by the
3 sentencing court, nothing in this division shall prohibit the
4 offender from being placed on a payment plan where the entire
5 fee is collected in total.

6 (d)(1) The fees collected under this section shall
7 be appropriated to the registering agency to defray the costs
8 associated with terrorism offender registration and
9 verification.

10 (2) Any and all registration fees collected by the
11 sheriff, or his or her designee, shall be deposited in the
12 county general fund earmarked for use of the sheriff and shall
13 be paid to the sheriff upon his or her request to be used at
14 the discretion of the sheriff for any law enforcement purpose
15 related to terrorism offender registration, tracking, or
16 apprehension.

17 (3) The monies provided in this section and the use
18 of the funds shall in no way diminish or take the place of any
19 other reimbursement or other source of income established for
20 the sheriff or the operation of his or her office.

21 (4) Any and all registration fees collected by a
22 chief of police, or his or her designee, shall be deposited
23 into the municipal general fund and made available to the
24 affected law enforcement agency or department upon requisition
25 of the chief law enforcement official of the agency or
26 department and shall be used for any lawful purpose related to
27 terrorism offender registration, tracking or apprehension.

1 (5) The monies provided in this section and the use
2 of the funds shall in no way diminish or take the place of any
3 other reimbursement or other source of income established for
4 the chief of police or the operation of his or her office.

5 (e) Any person who willfully fails to pay the
6 required registration fee at the time of registration, or at
7 the time at which the installment payment is due, shall be
8 guilty of a Class B misdemeanor. Upon a second or subsequent
9 conviction for willful failure to pay the required
10 registration fee, the offender shall be guilty of a Class A
11 misdemeanor.

12 §13A-10-160.11.

13 (a) A terrorism offender may not change his or her
14 name unless the change is incident to a change in the marital
15 status of the offender or is necessary to effect the exercise
16 of the religion of the offender. Any a change shall be
17 immediately reported to local law enforcement in each county
18 in which the offender is required to register.

19 (b) Any person who knowingly violates this section
20 shall be guilty of a Class C felony.

21 §13A-10-160.12.

22 (a) When a terrorism offender declares, and the
23 county is notified that an offender intends to reside,
24 maintain employment or a volunteer position, or attend school
25 in the county and the offender fails to appear for
26 registration, the county that received the notice shall

1 immediately inform the sheriff of the county that provided the
2 notice that the offender failed to appear for registration.

3 (b) When a terrorism offender fails to register or
4 cannot be located, an effort shall immediately be made by the
5 sheriff in the county in which the offender failed to register
6 or is unable to be located to determine whether the offender
7 has absconded.

8 (c) If no determination can be made as to whether
9 the terrorism offender has absconded, the sheriff of the
10 county in which the offender failed to appear for registration
11 shall immediately notify the Alabama State Law Enforcement
12 Agency and the United States Marshals Service that the
13 offender cannot be located and provide any information
14 available to determine whether the offender absconded to the
15 United States Marshals Service.

16 (d) Once a determination is made that the terrorism
17 offender has absconded, all of the following shall occur:

18 (1) The sheriff of the county in which the offender
19 has absconded shall immediately obtain a warrant for the
20 arrest of the offender.

21 (2) The sheriff of the county in which the offender
22 has absconded shall immediately notify the United States
23 Marshals Service and the Alabama State Law Enforcement Agency.

24 (3) The Alabama State Law Enforcement Agency shall
25 immediately notify the Criminal Justice Information Center,
26 who shall immediately notify the National Criminal Information
27 Center.

1 (e) A terrorism offender who knowingly fails to
2 appear for registration after declaring his or her intent to
3 reside, be employed, or attend school in a county without
4 notifying local law enforcement in that county that he or she
5 will no longer establish a residence, maintain employment or a
6 volunteer position, or attend school, shall be guilty of a
7 Class C felony.

8 §13A-10-160.13.

9 Nothing in this division shall be construed as
10 creating a cause of action against the state or any of its
11 agencies, officials, employees, or political subdivisions
12 based on the performance of any duty imposed by this division
13 or the failure to perform any duty imposed by this division.

14 §13A-10-160.14.

15 The Alabama State Law Enforcement Agency shall adopt
16 rules for the implementation and administration of this
17 division.

18 Section 3. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 4. This act shall become effective January
2 1, 2021, following its passage and approval by the Governor,
3 or its otherwise becoming law.