

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 381 Department or Agency Alabama Law Enforcement Agency

Rule No. 760-X-1-21

Rule Title: Foreign Jurisdiction Convicted Sex Offender Registration, Notification, and Due Process Hearings

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Hel Taylor*

Date 7/26/17

(DATE FILED)  
(STAMP)

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07/04

Alabama Law Enforcement Agency

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Law Enforcement Agency

RULE NO. & TITLE:

760-X-1.-21  
Foreign Jurisdiction Convicted Sex Offender Registration, Notification and Due Process Hearings

INTENDED ACTION:

Amend rule

SUBSTANCE OF PROPOSED ACTION:

Amendments to the ASORNA law require a change in the subsection referenced in the current rule.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

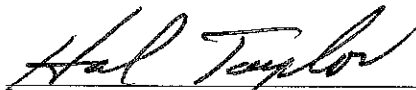
Written or oral comments may be directed to Casey Bates, Legal Division, P.O. Box 1511, Montgomery, Alabama 36102-1511, (334) 353-1289.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 14, 2017

CONTACT PERSON AT AGENCY:

Casey Bates  
Assistant Attorney General  
P.O. Box 1511  
Montgomery, Alabama 36102-1511



Hal Taylor

**760-X-1-.21 Foreign Jurisdiction Convicted Sex Offender  
Registration, Notification, and Due Process Hearings.**

All persons convicted of any sex related crime are required by statute to register with law enforcement. This includes persons convicted in states other than Alabama, federal courts, tribal territories, United States territories, and other jurisdictions. Persons convicted in jurisdictions other than Alabama may be entitled to a due process hearing prior to community notification if their conviction does not fall within the parameters of Ala. Code Sections 15-20A-1 through 15-20A-48 (2011), the Alabama Sex Offender Registration and Notification Act. Persons convicted in jurisdictions other than Alabama follow the steps below:

- (1) Persons convicted in jurisdictions other than Alabama must register by completing ~~ABI~~ALEA Form 47 upon entering into Alabama to reside, work, or attend school.
- (2) When the ~~Department of Public Safety~~Alabama Law Enforcement Agency receives the ~~ABI~~ALEA Form 47, the department will make a determination as to the applicability of the Alabama Sex Offender Registration and Notification Act to the offender. This determination includes whether the offender is entitled to be offered a due process hearing.
- (3) If the conviction is for a sex offense as defined in Alabama Code Section 15-20A-5, except for those covered in subsection (3335), then the offender is automatically subject to the entire Act without a due process hearing. However, if not and community notification is not automatically applied under the Act, the department will make a preliminary determination concerning the applicability of the Act to the offender. If it is determined that the Act should apply to the offender, the department will mail a notice to the offender of the department's determination that also explains how to appeal the determination. The notice will be mailed by certified mail, return receipt requested.
- (4) If the notice is returned unclaimed or incorrect address, this will result in waiver of a hearing.

- (5) If the offender disagrees with the department's determination, he or she must notify the ~~Department of Public Safety's~~ Alabama Law Enforcement Agency, Legal Unit at P.O. Box 1511, Montgomery, Alabama 36102-1511 in writing within twenty (20) days of receipt of the notice. If the offender fails to notify the department of the hearing request within this time period, this will result in waiver of a hearing.
- (6) Appeals of the department's determination will be heard by an Administrative Law Judge provided by the department.
- (7) Appeals will be held at the department's office closest to the address of the offender.
- (8) Appeal of the decision of the Administrative Law Judge will be with the Circuit Court in Montgomery County, Alabama.

**Authors:** Michael W. Robinson, Lindsey W. Clements, Casey Bates  
**Statutory Authority:** Code of Ala. 1975, §§ 15-20-38(a),  
15-20A-44.

**History: New Rule:** Filed September 10, 2002; effective October 15, 2002. **Amendment:** Filed September 20, 2012; effective October 25, 2012.