

1 SB346
2 115942-1
3 By Senators Dunn, Coleman and Smitherman
4 RFD: Judiciary
5 First Read: 02-FEB-10

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8 SYNOPSIS: Existing law prohibits an adult sex
9 offender from having a residence in certain
10 locations.

11 This bill would allow the Legislature, by
12 local law, to prohibit sex offenders from residing
13 in the same residence, to provide that no more than
14 one adult criminal sex offender may reside in an
15 apartment complex unless there is a distance of at
16 least 100 yards from the residence of any other
17 offender, and allow a civil penalty for each
18 violation.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 15-20-26 of the Code of Alabama
25 1975, as amended by Act 2009-558 of the 2009 Regular Session
26 (Acts 2009, p. 1603), relating to prohibited residence
27 locations for criminal sex offenders; to allow the

1 Legislature, by local law, to prohibit sex offenders from
2 residing in the same residence; to provide that no more than
3 one adult criminal sex offender may reside in an apartment
4 complex unless there is a distance of at least 100 yards from
5 the residence of any other offender; and to allow a civil
6 penalty for each violation.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 15-20-26 of the Code of Alabama
9 of 1975, as amended by Act 2009-558 of the 2009 Regular
10 Session (Acts 2009, p. 1603), is amended to read as follows:

11 "§15-20-26.

12 "(a) Unless otherwise exempted by law, no adult
13 criminal sex offender shall establish a residence or any other
14 living accommodation or accept employment within 2,000 feet of
15 the property on which any school, including, but not limited
16 to, an elementary or secondary school and a college or
17 university, or child care facility is located.

18 "(b) Unless otherwise exempted by law, no adult
19 criminal sex offender shall establish a residence or any other
20 living accommodation within 1,000 feet of the property on
21 which any of his or her former victims, or the victims'
22 immediate family members reside.

23 "(c) No adult criminal sex offender shall establish
24 a residence or any other living accommodation where a minor
25 resides. Notwithstanding the foregoing, an adult criminal sex
26 offender may reside with a minor if the adult criminal sex

1 offender is the parent, grandparent, or stepparent of the
2 minor, unless one of the following conditions applies:

3 "(1) The adult criminal sex offender's parental
4 rights have been or are in the process of being terminated as
5 provided by law.

6 "(2) The adult criminal sex offender has been
7 convicted of any criminal sex offense in which any of the
8 offender's minor children, grandchildren, or stepchildren were
9 the victim.

10 "(3) The adult criminal sex offender has been
11 convicted of any criminal sex offense in which a minor was the
12 victim and the minor resided or lived with the offender at the
13 time of the offense.

14 "(4) The adult criminal sex offender has ever been
15 convicted of any criminal sex offense involving a child,
16 regardless of whether the offender was related to or shared a
17 residence with the child victim.

18 "(d) No adult criminal sex offender shall be
19 permitted to willfully or knowingly come within 100 feet of
20 any of his or her former victims, except as elsewhere provided
21 by law, or make any visual or audible sexually suggestive or
22 obscene gesture, sound, or communication at or to a former
23 victim or a member of the victim's immediate family.

24 "(e) Changes to property within 2,000 feet of an
25 adult criminal sex offender's registered address which occur
26 after an adult criminal sex offender establishes residency or
27 accepts employment shall not form the basis for finding that a

1 criminal sex offender is in violation of subsections (a) or
2 (b).

3 "(f) No adult criminal sex offender, after having
4 been convicted of a criminal sex offense involving a child,
5 shall loiter on or within 500 feet of any property on which
6 there is a school, child care facility, playground, park,
7 athletic field or facility, school bus stop, or any other
8 business or facility having a principal purpose of caring for,
9 educating, or entertaining minors. Under this subsection,
10 loiter means to enter or remain on property while having no
11 legitimate purpose therefor or, if a legitimate purpose
12 exists, remaining on that property beyond the time necessary
13 to fulfill that purpose. An offender does not violate this
14 subsection unless he or she has first been asked to leave a
15 prohibited location by a person authorized to exclude the
16 offender from the premises. An authorized person includes, but
17 is not limited to, any law enforcement officer, any owner or
18 manager of the premises, a principal or teacher if the
19 premises is a school or child care facility, or a coach if the
20 premises is an athletic field or facility.

21 "For purposes of this subsection, the term school
22 includes all property owned by a college or university and
23 used for educational purposes or for official school
24 functions.

25 "For purposes of this subsection, a school bus stop
26 is any location where a motor vehicle owned or operated by or
27 on behalf of a public or private secondary school stops on a

1 regular basis for the purpose of transporting children to and
2 from school.

3 "(g) No adult criminal sex offender, after having
4 been convicted of a criminal sex offense involving a child,
5 shall accept, maintain, or carry on any employment or vocation
6 at or within 500 feet of a school, child care facility,
7 playground, park, athletic field or facility, or any other
8 business or facility having a principal purpose of caring for,
9 educating, or entertaining minors.

10 "(h) An adult criminal sex offender who knowingly
11 violates the provisions of this section shall be guilty of a
12 Class C felony.

13 "(i) The Legislature, by local law, may prohibit sex
14 offenders from residing in the same residence, may provide
15 that no more than one adult criminal sex offender may reside
16 in an apartment complex unless there is a distance of at least
17 100 yards or more from the residence of any other offender,
18 and may provide a civil penalty for each violation."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.