

1 SB297  
2 156100-1  
3 By Senators Figures, Coleman, Irons, Dunn, Pittman, Brewbaker,  
4 Hightower, Glover, Beasley, Smitherman, Waggoner, Singleton,  
5 Marsh, Bussman, Ward, Reed, Holley, Whatley, Dial, Orr, Taylor  
6 and Allen  
7 RFD: Judiciary  
8 First Read: 30-JAN-14

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8 SYNOPSIS: Under existing law, it is a Class C felony  
9 for an adult sex offender who has been convicted of  
10 a sex offense involving a minor to loiter on or  
11 within 500 feet of school property or certain other  
12 property used for caring for, educating, or  
13 entertaining minors, without a legitimate purpose  
14 for being on the property.

15 This bill would make it a Class C felony for  
16 a convicted sex offender, after having been  
17 convicted of a sex offense involving a minor, to  
18 enter or remain within 500 feet of school property  
19 or certain other property used for caring for,  
20 educating, or entertaining minors.

21 This bill would also make it a Class C  
22 felony for a convicted sex offender, after having  
23 been convicted of a sex offense involving a minor,  
24 to enter or remain within 500 feet of the property  
25 line of any property on which there is a public  
26 K-12 school or to actively participate in any

1 public K-12 school activity when or where students  
2 are present.

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

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

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To amend Section 15-20A-17, Code of Alabama 1975; to  
2 provide that it is a Class C felony for a sex offender  
3 convicted of a sex offense involving a minor to enter or  
4 remain within 500 feet of school property or certain other  
5 property used for caring for, educating, or entertaining  
6 minors, without a legitimate purpose for being on the  
7 property; to provide that it is a Class C felony for a sex  
8 offender convicted of a sex offense involving a minor to be  
9 present on or within 500 feet of public K-12 school property  
10 or to actively participate in any public K-12 school activity  
11 when or where students are present; and in connection  
12 therewith would have as its purpose or effect the requirement  
13 of a new or increased expenditure of local funds within the  
14 meaning of Amendment 621 of the Constitution of Alabama of  
15 1901, now appearing as Section 111.05 of the Official  
16 Recompilation of the Constitution of Alabama of 1901, as  
17 amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19           Section 1. Section 15-20A-17 of the Code of Alabama  
20 1975, is amended to read as follows:

21           "§15-20A-17.

22           "(a) No convicted sex offender, after having been  
23 convicted of a sex offense involving a minor, shall enter or  
24 remain within 500 feet of the property line of any property on  
25 which there is a public K-12 school or actively participate in  
26 any public K-12 school activity when or where students are  
27 present.

1           "~~(a) No adult~~ (b) (1) No convicted sex offender,  
2 after having been convicted of a sex offense involving a  
3 minor, shall ~~loiter on~~ enter or remain within 500 feet of the  
4 property line of any property on which there is a private  
5 school, nonpublic school, church school, childcare facility,  
6 playground, park, athletic field or facility, school bus stop,  
7 college or university, or any other business or facility  
8 having a principal purpose of caring for, educating, or  
9 entertaining minors.

10           "~~(b) Under this section, loiter means to enter or~~  
11 ~~remain on property while having no legitimate purpose or, if a~~  
12 ~~legitimate purpose exists, remaining on that property beyond~~  
13 ~~the time necessary to fulfill that purpose. An adult sex~~  
14 ~~offender does not violate this section unless he or she has~~  
15 ~~first been asked to leave a prohibited location by a person~~  
16 ~~authorized to exclude the adult sex offender from the~~  
17 ~~premises. An authorized person includes, but is not limited~~  
18 ~~to, any law enforcement officer, security officer, any owner~~  
19 ~~or manager of the premises, a principal, teacher, or school~~  
20 ~~bus driver if the premises is a school, childcare facility, or~~  
21 ~~bus stop, a coach, if the premises is an athletic field or~~  
22 ~~facility, or any person designated with that authority.~~

23           "~~(c) (2)~~ For purposes of this ~~section~~ subsection, a  
24 school bus stop is any location where a motor vehicle owned or  
25 operated by or on behalf of a public or private school stops  
26 on a regular basis for the purpose of transporting children to  
27 and from school.

1                   "~~(d)~~(c) Any person who violates ~~this section~~  
2                   subsection (a) or subsection (b) shall be guilty of a Class C  
3                   felony."

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

12                  Section 3. This act shall become effective  
13                  immediately following its passage and approval by the  
14                  Governor, or its otherwise becoming law.