

1 HB654
2 169212-1
3 By Representative Whorton (R)
4 RFD: Judiciary
5 First Read: 12-MAY-15

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, an adult sex offender
9 may not establish or maintain a residence or other
10 living accommodation within 2,000 feet of property
11 on which a school or childcare facility is located.

12 This bill would prohibit an adult sex
13 offender from establishing or maintaining a
14 residence or other living accommodation within
15 2,000 feet of a camp facility used by children.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to residency requirements for adult sex
22 offenders; to amend Section 15-20A-11, Code of Alabama 1975,
23 to prohibit an adult sex offender from establishing a
24 residence within 2,000 feet of a camp facility used by
25 children.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 15-20A-11, Code of Alabama 1975,
2 is amended to read as follows:

3 "§15-20A-11.

4 "(a) No adult sex offender shall establish a
5 residence, maintain a residence after release or conviction,
6 or establish any other living accommodation within 2,000 feet
7 of the property on which any school, ~~or~~ childcare facility, or
8 camp facility used by children is located unless otherwise
9 exempted pursuant to Sections 15-20A-23 and 15-20A-24.

10 "(b) No adult sex offender shall establish a
11 residence, maintain a residence after release or conviction,
12 or establish any other living accommodation within 2,000 feet
13 of the property on which his or her former victim, or an
14 immediate family member of the victim, resides unless
15 otherwise exempted pursuant to Section 15-20A-24.

16 "(c) Changes to property within 2,000 feet of a
17 registered address of an adult sex offender which occur after
18 the adult sex offender establishes residency shall not form
19 the basis for finding that the adult sex offender is in
20 violation of this section.

21 "(d) No adult sex offender shall establish or
22 maintain a residence or any other living accommodation with a
23 minor. For the purpose of this subsection, living
24 accommodation includes, but is not limited to, any overnight
25 visit with a minor. Notwithstanding the foregoing, an adult
26 sex offender may reside with a minor if the adult sex offender
27 is the parent, grandparent, stepparent, sibling, or

1 stepsibling of the minor, unless one of the following
2 conditions applies:

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

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

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

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

18 "(5) The adult sex offender has been convicted of
19 any sex offense involving forcible compulsion in which the
20 victim was a minor.

21 "(e) Notwithstanding any other provision of law
22 regarding establishment of residence, an adult sex offender
23 shall be deemed to have established a residence in any of the
24 following circumstances:

25 "(1) Wherever an adult sex offender resides for
26 three or more consecutive days.

1 "(2) Wherever an adult sex offender resides
2 following release, regardless of whether the adult sex
3 offender resided at the same location prior to the time of
4 conviction.

5 "(3) Whenever an adult sex offender spends 10 or
6 more aggregate days at a location during a calendar month.

7 "(4) Whenever an adult sex offender vacates or fails
8 to spend three or more consecutive days at his or her
9 residence without previously notifying local law enforcement
10 pursuant to Section 15-20A-15.

11 "(f) An adult sex offender is exempt from
12 subsections (a) and (b) during the time an adult sex offender
13 is admitted to a hospital or is incarcerated in a jail,
14 prison, mental health facility, or any other correctional
15 placement facility wherein the adult sex offender is not
16 allowed unsupervised access to the public.

17 "(g) For the purposes of this section, the
18 2,000-foot measurement shall be taken in a straight line from
19 nearest property line to nearest property line.

20 "(h) Any person who violates this section shall be
21 guilty of a Class C felony."

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