

SB188 INTRODUCED



1 SB188
2 PPZ9GGR-1
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 05-Mar-24



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SYNOPSIS:

Under existing law, sex offenders have restrictions regarding where they may be employed or volunteer.

This bill would prohibit sex offenders from being employed or volunteering as a first responder.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to sex offenders; to amend Sections 15-20A-13
34 and 15-20A-31, Code of Alabama 1975, to prohibit sex offenders
35 from being employed or volunteering as a first responder; and
36 in connection therewith would have as its purpose or effect
37 the requirement of a new or increased expenditure of local
38 funds within the meaning of Section 111.05 of the Constitution
39 of Alabama of 2022.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Sections 15-20A-13 and 15-20A-31, Code of
42 Alabama 1975, are amended to read as follows:

43 "§15-20A-13

44 (a) No adult sex offender shall accept or maintain
45 employment or a volunteer position at any school, childcare
46 facility, mobile vending business that provides services
47 primarily to children, or any other business or organization
48 that provides services primarily to children, or any amusement
49 or water park.

50 (b) No adult sex offender shall accept or maintain
51 employment or a volunteer position within 2,000 feet of the
52 property on which a school or childcare facility is located
53 unless otherwise exempted pursuant to Sections 15-20A-24 and
54 15-20A-25.

55 (c) No adult sex offender, after having been convicted
56 of a sex offense involving a child, shall accept or maintain



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57 employment or a volunteer position within 500 feet of a
58 playground, park, athletic field or facility, or any other
59 business or facility having a principal purpose of caring for,
60 educating, or entertaining minors.

61 (d) Changes to property within 2,000 feet of an adult
62 sex offender's place of employment which occur after an adult
63 sex offender accepts employment shall not form the basis for
64 finding that an adult sex offender is in violation of this
65 section.

66 (e) It shall be unlawful for the owner or operator of
67 any childcare facility or any other organization that provides
68 services primarily to children to knowingly provide employment
69 or a volunteer position to an adult sex offender.

70 (f) For the purposes of this section, the 2,000-foot
71 measurement shall be taken in a straight line from nearest
72 property line to nearest property line.

73 (g) (1) No adult sex offender shall accept or maintain
74 employment or a volunteer position as a first responder.

75 (2) For the purposes of this section, a "first
76 responder" means a paramedic, firefighter, rescue squad
77 member, emergency medical technician, or other individual who,
78 in the course of his or her professional duties, responds to
79 fire, medical, hazardous material or other similar
80 emergencies, whether compensated or not.

81 ~~(g)~~ (h) Any person who knowingly violates this section
82 shall be guilty of a Class C felony."

83 "§15-20A-31

84 (a) During the time a juvenile sex offender is subject



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85 to the registration requirements of this chapter, the juvenile
86 sex offender shall not accept or maintain employment or a
87 volunteer position at any school, childcare facility, or any
88 other business or organization that provides services
89 primarily to children.

90 (b) It shall be unlawful for the owner or operator of
91 any childcare facility or any other organization that provides
92 services primarily to children to knowingly provide employment
93 or a volunteer position to a juvenile sex offender.

94 (c) (1) No juvenile sex offender shall accept or
95 maintain employment or a volunteer position as a first
96 responder.

97 (2) For the purposes of this section, a "first
98 responder" means a paramedic, firefighter, rescue squad
99 member, emergency medical technician, or other individual who,
100 in the course of his or her professional duties, responds to
101 fire, medical, hazardous material or other similar
102 emergencies, whether compensated or not.

103 ~~(e)~~ (d) Any person who knowingly violates this section
104 shall be guilty of a Class C felony.

105 Section 2. Although this bill would have as its purpose
106 or effect the requirement of a new or increased expenditure of
107 local funds, the bill is excluded from further requirements
108 and application under Section 111.05 of the Constitution of
109 Alabama of 2022, because the bill defines a new crime or
110 amends the definition of an existing crime.

111 Section 3. This act shall become effective on October
112 1, 2024.