

1 HB1
2 103560-2
3 By Representatives Ison, Barton, Fincher, Grimes, Spicer,
4 Warren, McMillan, Hammon, Gaston, Martin, Guin, Gipson,
5 Shiver, Jackson, Clouse, McClendon, Lewis, Mask, Faust,
6 Harper, Bentley, Thigpen, Beasley, Millican, Bridges, Rogers,
7 Dunn, DeMarco, McClurkin, Ball, Wood, Sanderford, Canfield,
8 Todd, Moore (P), Drake, Treadaway, Baker (A), Hill, Morrow,
9 Hinshaw, Galliher, Coleman, Schmitz, White, Letson, Irons,
10 Curtis, Sherer, Robinson (J), Love, McCutcheon and Williams
11 RFD: Judiciary
12 First Read: 03-FEB-09
13 PFD: 09/24/2008



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ENROLLED, An Act,

To amend Section 15-20-26, Code of Alabama 1975; to provide that the term "school" includes a college or university; to restrict the presence of convicted sex offenders on or near certain college or university property; to prohibit a convicted sex offender from loitering at or around a school bus stop; to define school bus stop; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-20-26, Code of Alabama 1975, is amended to read as follows:

"§15-20-26.

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

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

6 "(c) No adult criminal sex offender shall establish
7 a residence or any other living accommodation where a minor
8 resides. Notwithstanding the foregoing, an adult criminal sex
9 offender may reside with a minor if the adult criminal sex
10 offender is the parent, grandparent, or stepparent of the
11 minor, unless one of the following conditions applies:

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

15 "(2) The adult criminal sex offender has been
16 convicted of any criminal sex offense in which any of the
17 offender's minor children, grandchildren, or stepchildren were
18 the victim.

19 "(3) The adult criminal sex offender has been
20 convicted of any criminal sex offense in which a minor was the
21 victim and the minor resided or lived with the offender at the
22 time of the offense.

23 "(4) The adult criminal sex offender has ever been
24 convicted of any criminal sex offense involving a child,

1 regardless of whether the offender was related to or shared a
2 residence with the child victim.

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

9 "(e) Changes to property within 2,000 feet of an
10 adult criminal sex offender's registered address which occur
11 after an adult criminal sex offender establishes residency or
12 accepts employment shall not form the basis for finding that a
13 criminal sex offender is in violation of subsections (a) or
14 (b).

15 "(f) No adult criminal sex offender, after having
16 been convicted of a criminal sex offense involving a child,
17 shall loiter on or within 500 feet of any property on which
18 there is a school, child care facility, playground, park,
19 athletic field or facility, school bus stop, or any other
20 business or facility having a principal purpose of caring for,
21 educating, or entertaining minors. Under this subsection,
22 "loiter" means to enter or remain on property while having no
23 legitimate purpose therefor or, if a legitimate purpose
24 exists, remaining on that property beyond the time necessary
25 to fulfill that purpose. An offender does not violate this

1 subsection unless he or she has first been asked to leave a
2 prohibited location by a person authorized to exclude the
3 offender from the premises. An authorized person includes, but
4 is not limited to, any law enforcement officer, any owner or
5 manager of the premises, a principal or teacher if the
6 premises is a school or child care facility, or a coach if the
7 premises is an athletic field or facility. For purposes of
8 this subsection, the term "school" includes all property owned
9 by a college or university and used for educational purposes
10 or for official school functions.

11 For purposes of this subsection, a school bus stop
12 is any location where a motor vehicle owned or operated by or
13 on behalf of a public or private secondary school stops on a
14 regular basis for the purpose of transporting children to and
15 from school.

16 "(g) No adult criminal sex offender, after having
17 been convicted of a criminal sex offense involving a child,
18 shall accept, maintain, or carry on any employment or vocation
19 at or within 500 feet of a school, child care facility,
20 playground, park, athletic field or facility, or any other
21 business or facility having a principal purpose of caring for,
22 educating, or entertaining minors.

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

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

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 17-FEB-09.

Greg Pappas
Clerk

Senate	07-MAY-09	Amended and Passed
House	07-MAY-09	Concurred in Senate Amendment

APPROVED May 18, 2009
TIME 1:00 P.M.
Bob Riley
GOVERNOR

Alabama Secretary Of State
Act Num.....: 2009-558
Bill Num....: H-1

Recv'd 05/18/09 02:52pmJJB