

1 SB469
2 115035-1
3 By Senators French and Erwin
4 RFD: Judiciary
5 First Read: 23-FEB-10

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8 SYNOPSIS: This bill would require a convicted sex
9 offender to avoid all Halloween-related contact
10 with children and to remain inside his or her
11 residence on October 31 unless required to be
12 somewhere else. This bill would also require a
13 convicted sex offender to place a sign at his or
14 her residence stating "No candy or treats at this
15 residence" and to leave all outside lights turned
16 off.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official ReCompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To restrict certain activities of a convicted sex
16 offender on Halloween; to prohibit a convicted sex offender
17 from having Halloween-related contact with children; to
18 require the convicted sex offender to place a sign at his or
19 her residence on October 31; and in connection therewith would
20 have as its purpose or effect the requirement of a new or
21 increased expenditure of local funds within the meaning of
22 Amendment 621 of the Constitution of Alabama of 1901, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) Any person required to register as a
27 sex offender pursuant to Article 2, Chapter 20 of Title 15,

1 Code of Alabama 1975, shall be required on October 31 of each
2 year, or such other date designated by the county or
3 municipality for celebration of Halloween, to do all of the
4 following:

5 (1) Avoid all Halloween-related contact with
6 children.

7 (2) Remain inside his or her residence between the
8 hours of 5:00 p.m. and 10:00 p.m. unless required to be at
9 another place for purposes of employment or medical emergency.

10 (3) Post a sign at his or her residence stating "No
11 candy or treats at this residence."

12 (4) Leave off all outside residential lighting
13 during the hours from 5:00 p.m. to 10:00 p.m.

14 (b) Any person who violates subsection (a) shall be
15 guilty of a Class A misdemeanor.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

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