

1 HB426
2 159113-3
3 By Representatives Hurst, Wood, Brown and Johnson (R)
4 RFD: Judiciary
5 First Read: 06-FEB-14

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Section 15-20A-17, Code of Alabama 1975; to
9 provide that it is a Class C felony for an adult sex offender,
10 after having been convicted of a sex offense involving a
11 minor, to enter onto the property of a K-12 school while
12 school is in session or attend any K-12 school activity
13 without first notifying and reporting to the principal and
14 complying with school rules regarding the visit; and in
15 connection therewith would have as its purpose or effect the
16 requirement of a new or increased expenditure of local funds
17 within the meaning of Amendment 621 of the Constitution of
18 Alabama of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of Alabama of 1901,
20 as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 15-20A-17 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§15-20A-17.

25 "(a) (1) No adult sex offender, after having been
26 convicted of a sex offense involving a minor, shall loiter on
27 or within 500 feet of the property line of any property on

1 which there is a school, childcare facility, playground, park,
2 athletic field or facility, school bus stop, college or
3 university, or any other business or facility having a
4 principal purpose of caring for, educating, or entertaining
5 minors.

6 ~~"(b)(2)~~ Under this ~~section~~ subsection, loiter means
7 to enter or remain on property while having no legitimate
8 purpose or, if a legitimate purpose exists, remaining on that
9 property beyond the time necessary to fulfill that purpose. An
10 adult sex offender does not violate this ~~section~~ subsection
11 unless he or she has first been asked to leave a prohibited
12 location by a person authorized to exclude the adult sex
13 offender from the premises. An authorized person includes, but
14 is not limited to, any law enforcement officer, security
15 officer, any owner or manager of the premises, a principal,
16 teacher, or school bus driver if the premises is a school,
17 childcare facility, or bus stop, a coach, if the premises is
18 an athletic field or facility, or any person designated with
19 that authority.

20 ~~"(c)(3)~~ For purposes of this ~~section~~ subsection, a
21 school bus stop is any location where a motor vehicle owned or
22 operated by or on behalf of a public or private school stops
23 on a regular basis for the purpose of transporting children to
24 and from school.

25 "(b)(1) No adult sex offender, after having been
26 convicted of a sex offense involving a minor, shall enter onto
27 the property of a K-12 school while school is in session or

1 attend any K-12 school activity unless the adult sex offender
2 does all of the following:

3 "a. Notifies the principal of the school, or his or
4 her designee, before entering onto the property or attending
5 the K-12 school activity.

6 "b. Immediately reports to the principal of the
7 school, or his or her designee, upon entering the property or
8 arriving at the K-12 school activity.

9 "c. Complies with any procedures established by the
10 school to monitor the whereabouts of the sex offender for the
11 duration of his or her presence on the school property or
12 attendance at the K-12 school activity. For a public K-12
13 school, the local school board shall adopt a policy to
14 effectuate this section.

15 "(2) Procedures established to effectuate this
16 subsection are limited to rules that allow the principal of
17 the school, or his or her designee, to discreetly monitor the
18 adult sex offender.

19 "(3) For the purposes of this subsection, a K-12
20 school activity is an activity sponsored by a school in which
21 students in grades K-12 are the primary intended participants
22 or for whom students in grades K-12 are the primary intended
23 audience including, but not limited to, school instructional
24 time, after school care, after school tutoring, athletic
25 events, field trips, school plays, or assemblies.

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.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 06-FEB-14

Read for the second time and placed
on the calendar with 1 substitute
and..... 04-MAR-14

Read for the third time and passed
as amended..... 13-MAR-14

Yeas 95, Nays 0, Abstains 0

Jeff Woodard
Clerk