

1 HB426
2 156100-1
3 By Representatives Hurst, Wood, Brown and Johnson (R)
4 RFD: Judiciary
5 First Read: 06-FEB-14

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, it is a Class C felony
9 for an adult sex offender who has been convicted of
10 a sex offense involving a minor to loiter on or
11 within 500 feet of school property or certain other
12 property used for caring for, educating, or
13 entertaining minors, without a legitimate purpose
14 for being on the property.

15 This bill would make it a Class C felony for
16 a convicted sex offender, after having been
17 convicted of a sex offense involving a minor, to
18 enter or remain within 500 feet of school property
19 or certain other property used for caring for,
20 educating, or entertaining minors.

21 This bill would also make it a Class C
22 felony for a convicted sex offender, after having
23 been convicted of a sex offense involving a minor,
24 to enter or remain within 500 feet of the property
25 line of any property on which there is a public
26 K-12 school or to actively participate in any

1 public K-12 school activity when or where students
2 are present.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

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

23
24 A BILL

25 TO BE ENTITLED

26 AN ACT
27

1 To amend Section 15-20A-17, Code of Alabama 1975; to
2 provide that it is a Class C felony for a sex offender
3 convicted of a sex offense involving a minor to enter or
4 remain within 500 feet of school property or certain other
5 property used for caring for, educating, or entertaining
6 minors, without a legitimate purpose for being on the
7 property; to provide that it is a Class C felony for a sex
8 offender convicted of a sex offense involving a minor to be
9 present on or within 500 feet of public K-12 school property
10 or to actively participate in any public K-12 school activity
11 when or where students are present; and in connection
12 therewith would have as its purpose or effect the requirement
13 of a new or increased expenditure of local funds within the
14 meaning of Amendment 621 of the Constitution of Alabama of
15 1901, now appearing as Section 111.05 of the Official
16 Recompilation of the Constitution of Alabama of 1901, as
17 amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§15-20A-17.

22 "(a) No convicted sex offender, after having been
23 convicted of a sex offense involving a minor, shall enter or
24 remain within 500 feet of the property line of any property on
25 which there is a public K-12 school or actively participate in
26 any public K-12 school activity when or where students are
27 present.

1 ~~"(a) No adult~~ (b) (1) No convicted sex offender,
2 after having been convicted of a sex offense involving a
3 minor, shall ~~loiter on~~ enter or remain within 500 feet of the
4 property line of any property on which there is a private
5 school, nonpublic school, church school, childcare facility,
6 playground, park, athletic field or facility, school bus stop,
7 college or university, or any other business or facility
8 having a principal purpose of caring for, educating, or
9 entertaining minors.

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

23 ~~"(c) (2)~~ For purposes of this ~~section~~ subsection, a
24 school bus stop is any location where a motor vehicle owned or
25 operated by or on behalf of a public or private school stops
26 on a regular basis for the purpose of transporting children to
27 and from school.

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.