HB222

SATS588-1

By Representatives Underwood, Brinyark, Wadsworth, Rigsby, Colvin

RFD: Judiciary

First Read: 22-Feb-24

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.

A BILL

TO BE ENTITLED

AN ACT

Relating to sex offenders; to amend Sections 15-20A-13 and 15-20A-31, Code of Alabama 1975, to prohibit sex offenders from being employed or volunteering as a first responder; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-20A-13

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

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

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

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

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

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

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

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

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

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

"§15-20A-31

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

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

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

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

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

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

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

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