

1 SB489  
2 169085-2  
3 By Senator Scofield  
4 RFD: Judiciary  
5 First Read: 19-MAY-15

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8 SYNOPSIS: Under existing law, an adult sex offender  
9 may not establish or maintain a residence or other  
10 living accommodation within 2,000 feet of property  
11 on which a school or childcare facility is located.

12 This bill would prohibit an adult sex  
13 offender from establishing or maintaining a  
14 residence or other living accommodation within  
15 2,000 feet of a resident camp facility for minors.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to residency requirements for adult sex  
22 offenders; to amend Section 15-20A-11, Code of Alabama 1975,  
23 to prohibit an adult sex offender from establishing a  
24 residence within 2,000 feet of a resident camp facility for  
25 minors.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 15-20A-11, Code of Alabama 1975,  
2 is amended to read as follows:

3           "§15-20A-11.

4           "(a) No adult sex offender shall establish a  
5 residence, maintain a residence after release or conviction,  
6 or establish any other living accommodation within 2,000 feet  
7 of the property on which any school, ~~or~~ childcare facility, or  
8 resident camp facility is located unless otherwise exempted  
9 pursuant to Sections 15-20A-23 and 15-20A-24. For the purposes  
10 of this section, a resident camp facility includes any place,  
11 area, parcel, or tract of land which contains permanent or  
12 semi-permanent facilities for sleeping owned by a business,  
13 church, or nonprofit organization used primarily for the  
14 educational, recreational, or religious purposes for minors  
15 and the location of the resident camp has been provided to  
16 local law enforcement. Resident camp does not include a  
17 private residence, farm, hunting, or fishing camp.

18           "(b) No adult sex offender shall establish a  
19 residence, maintain a residence after release or conviction,  
20 or establish any other living accommodation within 2,000 feet  
21 of the property on which his or her former victim, or an  
22 immediate family member of the victim, resides unless  
23 otherwise exempted pursuant to Section 15-20A-24.

24           "(c) Changes to property within 2,000 feet of a  
25 registered address of an adult sex offender which occur after  
26 the adult sex offender establishes residency shall not form

1 the basis for finding that the adult sex offender is in  
2 violation of this section.

3 "(d) No adult sex offender shall establish or  
4 maintain a residence or any other living accommodation with a  
5 minor. For the purpose of this subsection, living  
6 accommodation includes, but is not limited to, any overnight  
7 visit with a minor. Notwithstanding the foregoing, an adult  
8 sex offender may reside with a minor if the adult sex offender  
9 is the parent, grandparent, stepparent, sibling, or  
10 stepsibling of the minor, unless one of the following  
11 conditions applies:

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

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

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

23 "(4) The adult sex offender has been convicted of  
24 any sex offense involving a child, regardless of whether the  
25 adult sex offender was related to or shared a residence with  
26 the child victim.

1           "(5) The adult sex offender has been convicted of  
2 any sex offense involving forcible compulsion in which the  
3 victim was a minor.

4           "(e) Notwithstanding any other provision of law  
5 regarding establishment of residence, an adult sex offender  
6 shall be deemed to have established a residence in any of the  
7 following circumstances:

8           "(1) Wherever an adult sex offender resides for  
9 three or more consecutive days.

10           "(2) Wherever an adult sex offender resides  
11 following release, regardless of whether the adult sex  
12 offender resided at the same location prior to the time of  
13 conviction.

14           "(3) Whenever an adult sex offender spends 10 or  
15 more aggregate days at a location during a calendar month.

16           "(4) Whenever an adult sex offender vacates or fails  
17 to spend three or more consecutive days at his or her  
18 residence without previously notifying local law enforcement  
19 pursuant to Section 15-20A-15.

20           "(f) An adult sex offender is exempt from  
21 subsections (a) and (b) during the time an adult sex offender  
22 is admitted to a hospital or is incarcerated in a jail,  
23 prison, mental health facility, or any other correctional  
24 placement facility wherein the adult sex offender is not  
25 allowed unsupervised access to the public.

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

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

6                   Section 2. This act shall become effective on the  
7                   first day of the third month following its passage and  
8                   approval by the Governor, or its otherwise becoming law.