

1 SB297
2 158315-5
3 By Senators Figures, Coleman, Irons, Dunn, Pittman, Brewbaker,
4 Hightower, Glover, Beasley, Smitherman, Waggoner, Singleton,
5 Marsh, Bussman, Ward, Reed, Holley, Whatley, Dial, Orr, Taylor
6 and Allen
7 RFD: Judiciary
8 First Read: 30-JAN-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 15-20A-17 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§15-20A-17.

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

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

23 "~~(c)~~ (3) 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 "(b) (1) No adult sex offender, after having been
2 convicted of a sex offense involving a minor, shall enter onto
3 the property of a K-12 school while school is in session or
4 attend any K-12 school activity unless the adult sex offender
5 does all of the following:

6 "a. Notifies the principal of the school, or his or
7 her designee, before entering onto the property or attending
8 the K-12 school activity.

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

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

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

22 "(3) For the purposes of this subsection, a K-12
23 school activity is an activity sponsored by a school in which
24 students in grades K-12 are the primary intended participants
25 or for whom students in grades K-12 are the primary intended
26 audience including, but not limited to, school instructional

1 time, after school care, after school tutoring, athletic
2 events, field trips, school plays, or assemblies.

3 ~~"(d)(c)~~ Any person who violates ~~this section~~
4 subsection (a) or subsection (b) shall be guilty of a Class C
5 felony."

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended, because the
12 bill defines a new crime or amends the definition of an
13 existing crime.

14 Section 3. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 30-JAN-14

Read for the second time and placed on the calen-
dar with 1 substitute and..... 12-FEB-14

Read for the third time and passed as amended 20-FEB-14

Yeas 28
Nays 0

Patrick Harris
Secretary