

1 HB365  
2 135225-2  
3 By Representative Wallace  
4 RFD: Public Safety and Homeland Security  
5 First Read: 21-FEB-12

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8 SYNOPSIS: Existing law restricts a sex offender from  
9 living and from being employed within 2,000 feet of  
10 property on which a child care facility or school  
11 is located.

12 Existing law also restricts a sex offender  
13 from residing within 2,000 feet of a former victim.

14 This bill would prohibit more than one  
15 unrelated sex offender from residing at the same  
16 residence. This bill would also provide that no  
17 adult sex offender may reside in any residence  
18 unless there is a distance of at least 100 yards  
19 from the residence of any other adult sex offender.  
20 This bill would provide for civil penalties to be  
21 assessed against a lessee of property who  
22 intentionally allows a violation to occur.

23 This bill would provide an exception for a  
24 sex offender who is a resident of a treatment  
25 center that is a licensed health care facility or  
26 is a halfway house or treatment center approved by  
27 the Board of Pardons and Paroles.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 To prohibit more than one adult or unrelated  
7 juvenile criminal sex offender from residing in a residence;  
8 to provide that no more than one adult criminal sex offender  
9 may reside in an apartment complex unless there is a distance  
10 of at least 100 yards from the residence of any other  
11 offender; to subject the owner or lessee who permits a  
12 violation to a civil penalty; and to provide exceptions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) No adult or unrelated juvenile  
15 criminal sex offender may establish a residence or other  
16 living accommodation in a residence where another criminal sex  
17 offender whose name appears on the county sheriff's official  
18 published sex offender list resides.

19 (b) No adult criminal sex offender whose name  
20 appears on the county sheriff's official published sex  
21 offender list may establish residence or other living  
22 accommodations unless there is a distance of 100 yards or more  
23 from the residence of any other adult criminal sex offender.

24 (c) The owner or lessee of the property who  
25 knowingly, willingly, or intentionally permits a violation of  
26 subsection (a) or subsection (b) shall be subject to a civil  
27 penalty of five thousand dollars (\$5,000) for each violation.

1 When collected, those penalties shall be equally distributed  
2 to the county sheriff's department and the office of the  
3 district attorney of the county.

4 (d) An owner or lessee of property shall not be in  
5 violation of subsection (a) or subsection (b) if the sex  
6 offender is the spouse or child of the owner or lessor or if  
7 the spouse or child is the owner or lessee of the property.

8 (e) An owner of property shall not be in violation  
9 of subsection (a) or subsection (b) where the application for  
10 a lease or the lease itself provides a signed statement by the  
11 lessee that the lessee is not a convicted sex offender.

12 (f) Notwithstanding any other provision of Chapter  
13 20A of Title 15, Code of Alabama 1975, to the contrary, a sex  
14 offender shall not be in violation of subsection (a) or (b) if  
15 the sex offender is residing at a treatment facility that is a  
16 residential health care facility approved by the State Health  
17 Planning and Development Agency or is a halfway house or  
18 treatment facility approved by the Board of Pardons and  
19 Paroles. The Board of Pardons and Paroles shall develop and  
20 publish criteria a halfway house or facility shall meet to  
21 become approved.

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