

1 HB85
2 147148-2
3 By Representatives Wallace, Jones and Beckman
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

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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 sex
17 offender may reside in any residence unless there
18 is a distance of at least 500 feet from the
19 residence of any other sex offender.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 To prohibit more than one unrelated criminal sex
19 offender from residing in a residence; to provide that no more
20 than one criminal sex offender may reside in an apartment
21 complex unless there is a distance of at least 500 feet from
22 the residence of any other offender; to provide exceptions;
23 and in connection therewith would have as its purpose or
24 effect the requirement of a new or increased expenditure of
25 local funds within the meaning of Amendment 621 of the
26 Constitution of Alabama of 1901, now appearing as Section

1 111.05 of the Official Recompilation of the Constitution of
2 Alabama of 1901, as amended

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) No unrelated criminal sex offender
5 may establish a residence or other living accommodation in a
6 residence where another criminal sex offender whose name
7 appears on the county sheriff's official published sex
8 offender list resides.

9 (b) No criminal sex offender whose name appears on
10 the county sheriff's official published sex offender list may
11 establish residence or other living accommodations unless
12 there is a distance of 500 feet or more from the residence of
13 any other criminal sex offender.

14 (c) The owner or lessee of the property who
15 knowingly, willingly, or intentionally permits a violation of
16 subsection (a) or subsection (b) shall be guilty of a
17 misdemeanor and, upon conviction, may be imprisoned in the
18 county jail for hard labor for not more than 90 days and be
19 fined not more than five thousand dollars (\$5,000) for each
20 violation. When collected, those fines shall be equally
21 distributed to the county sheriff's department and the office
22 of the district attorney of the county or to the municipal
23 court for any case prosecuted in the municipal court.

24 (d) An owner or lessee of property shall not be in
25 violation of subsection (a) or subsection (b) if the sex
26 offender is the spouse or child of the owner or lessor or if
27 the spouse or child is the owner or lessee of the property.

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

5 (f) Notwithstanding any other provision of Chapter
6 20A of Title 15, Code of Alabama 1975, to the contrary, a sex
7 offender shall not be in violation of subsection (a) or (b) if
8 the sex offender is residing at a treatment facility that is a
9 residential health care facility approved by the State Health
10 Planning and Development Agency or at a halfway house or
11 treatment facility certified by the state Health Planning and
12 Development Agency, or is otherwise incarcerated in a state
13 facility.

14 Section 2. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 3. 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.