

# OFFICE OF THE ATTORNEY GENERAL

98-00212



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Honorable William C. Young  
Executive Director  
State of Alabama Board of Pardons and Paroles  
500 Monroe Street  
P.O. Box 302405  
Montgomery, Alabama 36130-2405

Community Notification Act –  
Property – Buildings – Residence  
Requirements – Code Section  
15-20-22

Section 15-20-22(e) of the Code of Alabama prohibits a criminal sex offender from establishing a residence or accepting employment within one thousand feet of the property on which any public school, private or parochial school, licensed daycare center, or any other child care facility is located. The 1000-foot distance is to be measured from property line to property line.

Dear Mr. Young:

This opinion of the Attorney General is issued in response to your request.

QUESTION

In the Community Notification Act, does the prohibition of establishing residence or accepting employment within one thousand feet of the property on which any public school, private or parochial school, licensed daycare center, or any other child care facility, require that the distance be measured from property line to property line or building to building?

FACTS AND ANALYSIS

Your question refers to a portion of the Community Notification Act found in section 15-20-22(e) of the Code of Alabama. This section specifically provides:

No criminal sex offender shall be allowed to establish a residence or accept employment within 1,000 feet of the property on which any public school, private or parochial school, licensed daycare center, or any other child care facility is located.

ALA. CODE § 15-20-22(e) (Supp. 1998) (emphasis added).

The statute does not expressly state how this distance of 1000 feet is to be measured. Furthermore, there is no case law providing an interpretation of this section of the Community Notification Act. The fundamental rule of statutory construction is to ascertain and give effect to the intent of the Legislature in enacting the statute. Hines v. Riverside Chevrolet-Olds, Inc., 655 So. 2d 909, 924 (Ala. 1994). In determining the intent of the Legislature, the history of the statute may be looked at for guidance. Ex parte Meeks, 682 So. 2d 423 (Ala. 1996). In the 1998 amendment to the Community Notification Act the language "of the property" was added. Prior to the 1998 amendment, the section simply provided that no released sex crime offender could establish a residence within 1000 feet of any school or child care facility. ALA. CODE § 15-20-22(e) (Supp. 1997). The addition of the language "of the property" clearly indicates the Legislature's intent that the 1000-foot distance is to be measured from property line to property line.

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Based on the foregoing, it is the opinion of this Office that the distance between a criminal sex offender's residence or place of employment and a school or child care facility is to be measured from property line to property line.

CONCLUSION

Section 15-20-22(e) of the Code of Alabama prohibits a criminal sex offender from establishing a residence or accepting employment within one thousand feet of the property on which any public school, private or parochial school, licensed daycare center, or any other child care facility is located. The 1000-foot distance is to be measured from property line to property line.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Wendi B. Molz of my staff.

Sincerely,

BILL PRYOR  
Attorney General

By:



CAROL JEAN SMITH  
Chief, Opinions Division

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