

OFFICE OF THE ATTORNEY GENERAL

98-00073



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STATE OF ALABAMA

JAN 13 1998

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Honorable James B. Johnson
Sheriff, Baldwin County
Bay Minette, AL 36507

Community Notification Act
- Juveniles - Sex Offenders

The Community Notification Act does not speak to visitation by a minor in the residence of a convicted sex offender except that the sex offender cannot willfully or knowingly come within 100 feet of a former victim. Visitation of a minor with a sex offender can also be regulated by court order.

Dear Sheriff Johnson:

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

QUESTION

In reference to the Community Notification Act, if a released offender has established his residency in compliance with all parts of the Act (specifically, no minor children residing at the same location), what rules apply toward a minor child visiting the residence?

FACTS, LAW, AND ANALYSIS

The Community Notification Act is codified at sections 15-20-20 to 15-20-24 of the Code of Alabama. ALA. CODE § 15-20-20 to § 15-20-24 (Supp. 1997). Under this law, a convicted criminal sex offender cannot establish as his legal residence a home in which children under the age of 18 years reside. § 15-20-22(g); Opinion of the Attorney General to Honorable Samuel L. Russell, District Attorney, Tenth Judicial Circuit-Bessemer Division, dated August 11, 1997, A.G. No. 97-00255.

The Community Notification Act does not speak to a minor visiting at the residence of a convicted sex offender except to say:

[N]or shall the offender be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim.

ALA. CODE § 15-20-22(f).

Section 12-15-150 of the Code of Alabama authorizes any court exercising juvenile jurisdiction under Chapter 15 of Title 12 of the Code to enter an order of protection or restraint to protect the health or safety of a child. ALA. CODE § 12-15-150 (1995). The order may set forth reasonable conditions of behavior, including restraints on visitation, to be observed by the person involved. § 12-15-152.

CONCLUSION

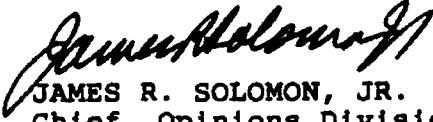
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Honorable James B. Johnson
Page 3

I hope this opinion answers your question. If this Office can be of further assistance, please contact James R. Solomon, Jr., of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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