

ACT No. 2000 - 728

1 SB183
2 24564-3
3 By Senator Waggoner
4 RFD: Judiciary
5 First Read: 01-FEB-2000



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Enrolled, An Act,

. . . Relating to sexual offenses and adult criminal sex offenders; to amend Section 13A-6-67, Code of Alabama 1975, relating to sexual abuse in the second degree; to make the crime a Class C felony after subsequent convictions within a year; to amend Section 15-20-26, Code of Alabama 1975, as last amended by Act 99-572 of the 1999 Regular Session, relating to the Community Notification Act; to further provide for the prohibition on establishing residence or accepting employment by an adult criminal sex offender; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-67, Code of Alabama 1975, and Section 15-20-26, Code of Alabama 1975, as last amended by Act 99-572 of the 1999 Regular Session, are amended to read as follows:

"§13A-6-67.

"(a) A person commits the crime of sexual abuse in the second degree if:

"(1) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or

1 "(2) He, being 19 years old or older, subjects
2 another person to sexual contact who is less than 16 years
3 old, but more than 12 years old.

4 . - "(b) Sexual abuse in second degree is a Class A
5 misdemeanor, except that if a person commits a second or
6 subsequent offense of sexual abuse in the second degree within
7 one year of another sexual offense, the offense is a Class C
8 felony.

9 "§15-20-26.

10 "(a) Unless otherwise exempted by law, no adult
11 criminal sex offender shall be allowed to establish a
12 residence or accept employment within 2,000 feet of the
13 property on which any school or child care facility is
14 located.

15 "(b) Unless otherwise exempted by law, no adult
16 criminal sex offender shall be allowed to establish a
17 residence or any other living accommodation within 1,000 feet
18 of the property on which any of his or her former victims, or
19 the victims' immediate family members reside.

20 "(c) No adult criminal sex offender shall be allowed
21 to establish a residence or any other living accommodation
22 where a minor resides. Notwithstanding the foregoing, an adult
23 criminal sex offender may reside with a minor if the adult
24 criminal sex offender is the parent of the minor, unless one
25 of the following conditions applies:

1 "(1) The adult criminal sex offender's parental
2 rights have been or are in the process of being terminated as
3 provided by law.

4 "(2) Any minor or adult child of the adult criminal
5 sex offender was a victim of a criminal sex offense committed
6 by the adult criminal sex offender.

7 "(d) No adult criminal sex offender shall be
8 permitted to willfully or knowingly come within 100 feet of
9 any of his or her former victims, except as elsewhere provided
10 by law, or make any visual or audible sexually suggestive or
11 obscene gesture, sound, or communication at or to a former
12 victim.

13 "(e) Changes to property within 2,000 feet of an
14 adult criminal sex offender's registered address which occur
15 after an adult criminal sex offender establishes residency or
16 accepts employment shall not form the basis for finding that a
17 criminal sex offender is in violation of the residence or
18 employment restrictions of this article.

19 "(f) An adult criminal sex offender who knowingly
20 violates the provisions of this section shall be guilty of a
21 Class C felony."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621 because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

SB183

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Gene Hinson

President and Presiding Officer of the Senate

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Art. Huff

Speaker of the House of Representatives

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SB183

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Senate 15-FEB-2000

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I hereby certify that the within Act originated in and passed
the Senate, as amended.

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McDowell Lee
Secretary

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House of Representatives

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Passed: 15-MAY-2000

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By: Senator Waggoner

APPROVED 5-23-00
TIME 4:44 pm
[Signature]
GOVERNOR

Alabama Secretary of State

Act Num....: 2000-728
Bill Num....: S-183