



NATIONAL CONFERENCE OF STATE LEGISLATURES
7700 East First Place Denver, CO 80230 303/364-7700

Enactments Concerning Sex Offenders Near Schools and Child-Care

September 19, 2006

2006 Enactments information is preliminary

Georgia H 1059

Signed by governor on April 30, 2006

Mandates that no registered sexual offender will be allowed to reside, loiter or work within 1000 feet of an area where minors congregate. Defines "where minors congregate" as schools, churches, day care centers, public swimming pools, neighborhood centers, gymnasiums, and school bus stops.

Idaho HB 713

Signed by governor on April 7, 2006

Prohibits registered sex offenders from loitering or residing within 500 feet of a school with children under eighteen. Provides exceptions for parents dropping transporting their children, students meeting the definition of sex offender enrolled in school, and parents attending parent teacher conferences.

Indiana H 1155 (Public Law 173)

Signed March 24, 2006

Prohibits certain sex offenders from residing within 1,000 feet of a school, public park or youth program center. Also prohibits residence within one mile of the victim's residence. Prohibits a sexually violent predator from working or volunteering on school property or at a public park, youth program center or amusement attractive to children.

Kentucky HB 3

Signed by governor on April 18, 2006

Adds public playgrounds to the list of prohibited areas for registered sex offenders. Makes it a Class A misdemeanor for residing within 1,000 feet of a prohibited area for the first offense and Class D felony for subsequent offenses.

Michigan HB 5397

Signed by governor on December 12, 2005

Amends the Sex Offender Registration Act by applying a penalty to persons working, loitering, or residing within a student safety zone on their second violation and has one or more prior convictions. Provides that the prohibition

against working or loitering in a student safety zone can not be construed to prohibit an individual from voting.

Mississippi S 2527

Signed by governor on April 24, 2006

Prohibits registered sex offender from residing within 1,500 feet of school or child care facility. Exempts those with such residence before July 1, 2006 and persons who or a minor or ward under a guardianship.

Nebraska LB 1199

Signed by governor on April 13, 2006

Restricts sexual predators from residing within 500 feet of a school or child care facility.

South Dakota SB 149

Signed by governor on February 24, 2006

Creates a community safety zone as an area within 500 feet from all schools, public parks, playgrounds, and pools. No sex offender may reside or loiter in a community safety zone unless that person is incarcerated or placed in a health care facility within the boundaries, was under 18-years-old at the time of offense and not tried as an adult, the residence was established before SB 149's effective date, a community safety zone was established subsequent to the person's residence, or the circuit court has granted an exemption. Establishes eligibility for exemption as at least 10 years have elapsed since the offender was convicted and off supervision, not a repeat sex offender, compliant with registration requirements, resided in the state for at least ten years, and circumstances of the crime did not involve a child under 13-years-old. Requires a two-year waiting period if the sex offender is denied exemption to the community safety zone. Provides that all parolees and probationers will be notified of the community safety zone restrictions.

Virginia HB 846

Signed by governor on April 19, 2006

Prohibits sex offenders convicted of rape, forcible sodomy or object sexual penetration from working or volunteering at a school or day care center and provides the employer with immunity from civil liability unless they had knowledge of a previous conviction.

Virginia HB 984

Signed by governor on April 19, 2006

Adds child day care centers to the list of prohibited areas.

Virginia SB 559

Signed by governor on April 19, 2006

Adds failure to register to the list of crimes that are barred from schools and day care centers.

Washington HB 2409

Signed by governor on March 20, 2006

Allows for owners of prohibited areas for sex offenders to give written permission for a sex offender to be on the premises for purposes including voting and educational activities. Amends the crime of criminal trespass to include entering an area in which a sex offender has received written notice that they are prohibited from. Provides that sex offenders may petition the court concerning their prohibited status.

Washington SB 6325

Signed by governor on March 20, 2006

Provides that the Association of Washington cities shall develop statewide standards for cities to use when determining whether to impose residency restrictions on sex offenders. Instructs them to consider areas of where sex offenders should not reside due to public safety concerns, areas where sex offenders may reside, appropriate civil remedies for violation, and unique local conditions. Requires statewide consensus on the standards and submission to governor and legislature.

Washington SB 6775

Signed by governor on March 20, 2006

Allows an owner or employee of a public or private entity that's primary purpose is education, recreation or care of a child to prohibit a sex offender from their premises via written notification. Provides the owner with immunity from civil liability for any damages. Defines the crime of criminal trespass against children as any sex offender that violates the prohibition.

2005 Enactments**Alabama S 53 (first special session)**

Prohibits sex offenders from residing within 2,000 feet of a school or child care property; or within 1,000 feet of the residence of a former victim. Prohibits person convicted of a sex offense against a child from loitering within 500 feet of a school, child care facility, playground, athletic field or facility, or other business of facility which has as its principal purpose to educate, entertain or care for minors. Also prohibits such offenders from employment within 500 feet of such places.

California AB 113

Prohibits inmates released on parole for certain sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to the public from residing within one-half mile of a public or private school.

Illinois H 23

Provides an exception to the prohibition of sex offenders presence on or within 500 feet of school grounds, when (1) the offender is a parent/guardian of a student and is attending a conference with school personnel concerning the child or (2) when the school is used for voting.

Iowa H 619

Forbids sex offenders to live within 1,000 feet of a school or child care facility. Makes an offender ineligible for a sentence reduction if offender refuses treatment.

Kansas H 2314

Requires school and child care facility notification of sex offender websites.

Louisiana SB 318

Requires a sex offender whose offense involved a minor child and who is on probation or parole to have conditions on his or her supervision that prohibit his or her living or going within 1,000 feet of school property, a school bus, a day care facility, playground, public or private youth center, public swimming pool or video arcade facility.

New Mexico H 165

Requires sex offenders disclose their status to his employer or supervisor, to the registrar of an institution of higher education and to the principal of a school if the offender is employed, provides a service or is enrolled as a student.

New York AB 8894

Prohibits Level 3 sex offenders, when released conditionally, on probation or serving a sentence, from entering school grounds, or any facility primarily used for the care of persons under the age of eighteen while a person under the age of 18 is present. Authorizes, violating this prohibition if the offender obtains written permission from the appropriate government official.

New York S 5753

Orders law enforcement agencies with jurisdiction over a released designated level 2 or 3 sex offenders to compile and maintain a list of vulnerable organizational entities, such as schools, day care, and libraries, within its jurisdiction for the purpose of notifying them of the offenders presence in the area.

Ohio HB 4932

Allows courts to place persons convicted of certain offenses on probation for at least five years and require that they not live, work or loiter within "student safety zone." Similarly prohibits any person required to register as a sex offender from living, working or loitering within 1,000 feet of school property, subject to certain exceptions. Sets penalty for violation at misdemeanor with up to one year imprisonment and \$1,000; and second or subsequent violation is a felony with up to two years prison and \$2,000 fine. Prohibits a person required to register as a sex offender from working or volunteering at child-oriented facilities, organizations, providing penalties for violation. Also prohibits and establishes penalties for youth organizations that knowingly employ or allow volunteering of

a prohibited sex offender. Sets penalties in sentencing guidelines for failure to update sex offender registration information, as required, including penalties for third or subsequent offenses, with statutory maximum sentence of four years' imprisonment and \$2,500. Also requires notice within 10 days to law enforcement of change in residence, domicile, place of work or education. Sets penalties for failure to comply with this requirement.

Oklahoma S 440

Includes the State Superintendent of Public Instruction with those agencies to have available the file of sex offender registrations. Directs the Superintendent to distribute such names to all schools in the state and providing them notice that employment of these persons may result in criminal or civil liability. Orders law enforcement agencies to include such notice with all direct requests from schools.

Oregon H 2299

Directs upon the issuance of a court order relieving an adult or juvenile offender from registering as a sex offender, the offender is to send a certified copy of the court order to the Department of State Police. Provides the opportunity for juveniles to be relieved from their registration responsibilities through a court order upon a determination it is no longer necessary. If required to register as a sex offender, requires in-person reporting within 10 days before starting or changing a job, or school, including a change in schedule. Authorizes dispersing the names of a college an adult/juvenile offender attends or works at.

Oregon SB 243

Creates prohibitions for persons on post-prison supervision following conviction of a sex crime, including being present more than one time without approval, in a place where minors regularly congregate. Prohibits sex offender under supervision from working or volunteering at a school, day care center, park, playground, or other place where children regularly congregate. Prohibits any contact with prior victims. Requires sex offender treatment and polygraph. Requires maintenance of a driving log. Prohibits sex offender on supervision from maintaining a post office box, unless with prior approval.

South Carolina H 3328

Requires that sex offenders required to register also register in counties in which he or she owns property or attends school.

Tennessee H 2111

Includes rape of a child among crimes for which: a juvenile's school is to be notified of if given conditional release, that a juveniles can be tried as adults, a juvenile may be committed to the supervision of child services, that expands availability of records to the public, crimes to notify foster parent of, and is included within the definition of "child sexual abuse."

Washington H 1147

Creates a “community protection zone” for areas within 800ft of the facilities and grounds of schools. Orders persons under community custody convicted of certain sex offenses against persons under 18 are prohibited from community protection zone.

Washington H 2101

Requires registered sex offenders planning to attend secondary school in the state to notify the county sheriff of the school prior to enrolling and direct the sheriff to notify the school principal. Orders the principal to inform certain school personnel of student’s record. Requires a review of training procedures for principals and teachers overseeing such students.

2004 Enactments

Louisiana S 164

Adds day care facilities, playgrounds, public or private youth centers, public swimming pools or free standing video arcade facilities to the list of places that are unlawful for a sexually violent predator to physically reside within 1,000 feet. Requires that for sex offenders whose offense involved a minor child, conditions of probation, parole, or suspension of sentence must include prohibitions regarding their presence in certain child-oriented places. Violation of conditions requires revocation of probation, parole or suspension of sentence and a fine of not more than \$1,000 or imprisoned for not more than six months, or both. Allows school officials to grant permission for a sex offender to be on school premises, with the requirement of 24 hours notice to the school principal. Makes certain other exceptions for incidental proximity to prohibited places while in route somewhere else.

2003 Enactments

California SB 356

Authorizes school district police departments to inform those in the school community of the presence of high-risk sex offenders in their area. Removes the requirement that the Department of Justice update and provide law enforcement entities with information regarding sex offenders in CD-ROM form on a monthly basis. Requires the Department of Justice to provide such information to law enforcement entities upon request.

California AB 1495

Prohibits persons released on parole for certain child sex offenses from being placed or residing within ¼ mile from any public or private school that includes kindergarten through 8th grade.

Florida SB 488

Provides requirements for measuring the distance from an offender’s residence to a school, day care facility, park, playground or any other place complying with

court imposed conditions prohibiting the offender from living within a specified distance from those facilities.

Georgia SB 101

Prohibits registered sex offenders who were convicted of a crime against minors, of sexual violence, or who have been declared a sexually violent predator from residing within 1,000 feet of schools or areas where minors congregate.

Maine HB 1107

Redefines a “sex offender” as an adult or juvenile convicted and sentenced to a sex crime. Requires the bureau to distribute information regarding the sex offender’s place of domicile, employment and college or school being attended. Requires the bureau to provide criminal justice agencies, the public, and sex offenders access to information about sex offenders in certain situations. Requires the court to inform sex offenders of their registration requirements. Requires a county jail or mental health institution to provide certain state agencies with information regarding sex offenders upon that offender’s conditional release or discharge.

Ohio SB 5

Prohibits a person who has been convicted of a sexually oriented offense or a child victim oriented offense from establishing a residence or occupying residential premises within 1,000 feet of any school premises. There is no criminal penalty for a violation of the restriction, but owners or lessees of premises within that 1,00-foot zone and local prosecutors have a cause of action for injunctive relief against the offender.

Oklahoma HB 1501

Prohibits those required to register with the Sex Offenders Registration from residing within 2000 feet of any public or private school site or any other educational institution. Provides exemptions and penalties.

Oklahoma SB 554

Prohibits persons convicted of lewd molestation, rape or sodomy from being within 300 feet of any public schools, licensed child-care facilities or playgrounds. Provides penalties and exemptions.

Tennessee SB 740

Prohibits registered sex offenders from living within 1000 feet of any school, day care, child care facility, or victims' residence. Prohibits registered sex offender from working within 1000 feet of any school, day care, or child care facility. Prohibits registered sex offenders from living in the same place a minor resides unless he or she is the parent of the minor.

Texas SB 871

Requires the department to determine which local law enforcement agency will serve as a person's primary registration authority and notify the person of such authority. Provides the duties for primary authorities. Requires the registration form to include information about a person's actual or anticipated involvement with a higher education institution and provides extensive guidelines for registered workers or students to follow. Provides circumstances in which the local law enforcement agency is required to notify the superintendent or school administrator of a registered offender.

Texas SB 1054

Requires a judge to direct a supervision officer to conduct a presentence evaluation of a sex offender and authorizes a judge to apply a condition of treatment and specialized supervision to a sex offender who is granted community supervision. Requires an able defendant to pay for all reasonable and necessary costs associated with the treatment. Establishes the distance from which certain sex offenders may go within premises where children commonly gather.

2002 Enactments

Georgia HB 1054

Requires the Department of Education to provide all elementary and secondary schools with a list of registered sex offenders and information on how to obtain a list of registered sex offenders. Requires the Department of Human Services to provide information on how to obtain a list of registered sex offenders to child-care and day-care programs.

Iowa SB 2197

Prohibits a registered sex offender from residing near a school or child-care facility.

(Upheld after constitutional challenge in April 2005 8th circuit decision.)

2001 Enactments

Louisiana HB426

Creates the crime of unlawful presence of sexually violent predators to be on or near school property. Creates an exception to this when the offender gets permission from the superintendent of the school board.

Montana HB434

Permits judges to place residency restrictions of people convicted of sexual offenses against minors that prevent them from living near schools, day-cares, churches or parks.

2000 Enactments

Alabama S 183

Provides that no adult criminal sex offender be allowed to establish residence or accept employment within 2,000 feet of a school or child care facility; within 1,000 feet of residence of former victims or victim's family members. Prohibits adult criminal sex offenders from establishing residence where a minor resides, unless he or she is parent of the minor and the minor has not been a victim of the offender. Prohibits sex offender to come within 100 feet of any former victims or make any visual or audible sexually suggestive communication to a former victim.

California A 1988

Prohibits certain sex offenders to be placed or reside within 1/4 mile of any school holding children from kindergarten to sixth grade.

Illinois H 4045

Prohibits sex offenders from knowingly residing within 500 feet of a school building, the property comprising a school or a playground and defines sex offense as it relates to offenders prohibited from residing near schools and playgrounds.

Illinois S 729

Prohibits registered child sex offenders, with certain exceptions for parents, from being present on or near school grounds, unless the offender has permission from the principal or school board and remains under direct supervision of a school official.

Kentucky S 263

Prohibits registrants from residing within 1,000 feet of a school or child-care facility.

Mississippi S 2797

Provides for enhanced notification to schools and child-care centers.

New Mexico S 125

Requires "active community notification" to schools and child-care centers within one mile upon registration of a person who has been convicted of a sex crime against a child.

Pennsylvania S 380

Requires law enforcement to notify schools or child-care facilities within one mile of a registered sexually violent predator.

Virginia S 197

Defines “offense prohibiting proximity to children” and prohibits those convicted of the offense from loitering within 100 feet of a school.

1999 Enactment

Indiana H 1592

Prohibits sexual offenders on parole from residing within 1,000 feet of school property.

1998 Enactment

California A 1646

Prohibits parole placement of any offender convicted of a lewd or lascivious act with a child under age 14, or continuous sexual abuse of a child, within one-quarter mile of a grade school.

1997 Enactments

Louisiana S 1304

Expands notification provisions to include principals of schools within one mile of sex offender’s residence, owner of property where offender resides, and any other notice deemed appropriate by the court.

Nevada S 325

Allows as condition of parole for sex offenders that they not have unsupervised contact with children, that they not be in or near a playground, school, movie-theater or other business or event primarily for children.