



# Alabama's Community Notification Act

## *Creating Homelessness and Permanent Punishment*

During the last 15 years, states have placed broad new restrictions on people convicted of sex-related crimes. High-profile cases involving convicted pedophiles who abducted and abused young children led to the passing of Megan's Laws requiring sex offenders to register with local law enforcement agencies and, in many states, restricting where they can live.

Alabama's Community Notification Act ("CNA") is "among the broadest and most restrictive of such laws in the nation." Most states apply residency restrictions only to high-risk offenders, but the CNA prohibits all sex offenders – no matter the circumstances of the offense – from living within 2000 feet of a school, college, or daycare center. Unlike other states, Alabama makes no exceptions for severely disabled or elderly people.

### **A Minor Crime Can Place Someone on Registry**

In Alabama, misdemeanors and other minor offenses not involving violence or non-consensual conduct automatically trigger the CNA's restrictions. Teenagers prosecuted for consensual sexual activity are classified as sex offenders. One EJI client was 17 when he had consensual sex with his 15-year-old girlfriend. He was convicted of second-degree rape and sentenced to 30 years in prison, and is permanently restricted by the CNA.

Misdemeanors that do not qualify as sex offenses in other states also can trigger Alabama's statute. An EJI client was con-

victed of soliciting prostitution in Columbus, Georgia, more than two decades ago. Even though this was a misdemeanor offense that does not require registration in Georgia, and even though she has had no sex-related charges in more than 20 years, she is required to register as a sex offender in Alabama and, because the CNA bars her from living with her family in Birmingham, she is now homeless.

### **The Law Creates Endless Prison Sentences for the Poor and Homeless**

The 2000-foot barrier places entire communities and towns off-limits to people convicted of any sex offense. People who successfully served long prison sentences cannot return home to their families because they live within 2000 feet of a school, college, or daycare center.

Many sex offenders have been forced into homelessness as a result of these restrictions. Many more remain incarcerated even after serving their entire sentences. Alabama requires imprisoned sex offenders to provide a suitable address 180 days before



their release from prison. Failure to provide a suitable address constitutes a new felony offense, punishable by an additional 10 years in prison.

It can be impossible for someone who is poor and incarcerated to find a suitable home, particularly when his or her family residence is off-limits under the CNA. Prisoners' phone access is limited and prohibitively expensive; they have no access to rental property listings, no access to the Internet, and no social services assistance or other way to identify available housing. Even homeless shelters are off-limits to sex offenders because of their proximity to schools or child care centers.

Alabama's CNA subjects poor people to endless



prison sentences because they cannot find a permissible place to live from their prison cells. An EJI client who is a resident of Illinois was convicted of failing to register as a sex offender after traveling to Alabama to visit his dying

mother and remaining in the state a few months after she passed away. He was sentenced to 5 years in prison and served the entire sentence. From prison, he managed to provide authorities with more than 10 addresses where he could live upon release, but none were found suitable. As a result, instead of being released, he was taken directly to the county jail and charged with failing to submit an address. Because this is a felony offense, he faces a 10-year prison sentence.

## No Exceptions for Elderly and Disabled People

The CNA makes no exceptions for mentally ill, disabled, or elderly people. In fact, the law has forced elderly patients who should be in nursing homes to remain incarcerated instead. One elderly EJI client completed his 20-year sentence in 2008, at age 74. Deaf and suffering from dementia, he needed nursing-home care, but no nursing homes could be identified that complied with the CNA. He was prosecuted due to his inability to provide an address and sentenced to 10 years in prison, where he will likely die.

Another EJI client, who is mentally ill and mentally disabled, was imprisoned as a teenager and released with severe medical problems. The CNA forbids him to live with his siblings or in any available group home for the mentally disabled, forcing him to live in homeless shelters when he is not in a mental institution. Despite repeat medical and psychiatric breakdowns resulting in his involuntary commitment and despite the Alabama Department of Mental Health's finding that he needs supervised care, he has been denied relief from the CNA's onerous restrictions.

## Alabama's Restrictions Are Getting Worse

Prosecutors and correctional experts in other states have spoken out against residency restrictions because they drain resources and do not make people safer. Alabama's law, however, has gotten harsher in recent years. In 2009, the Alabama Legislature added colleges and universities to the 2000-foot zone. While state leaders recognize that these residency restrictions are contributing to homelessness, Alabama Attorney General Troy King, a proponent of the law, suggested that people who are homeless because of the law can provide the address of the homeless shelter or park bench where they sleep. King told the *Montgomery Advertiser*, "[I]f you live in a park you can use that as an address."