

**Ala. Code 1975, § 13A-10-36(a)(2)**

**Promoting Prison Contraband in the First Degree**  
**(Inmate)**

The defendant is charged with promoting prison contraband in the first degree.

A person commits the crime of promoting prison contraband in the first degree if he/she is a person confined in a detention facility and he/she intentionally and unlawfully makes, obtains or possesses any deadly weapon, instrument, tool or other thing which may be useful for escape.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant was a person confined in a detention facility, **[insert description]**;
- (2) The Defendant made, obtained or possessed any: **[Read as appropriate]**:
  - (a) Deadly weapon, **[insert description]**;
  - (b) Instrument, **[insert description]**;
  - (c) Tool, **[insert description]**; **(OR)**
  - (d) Other thing which may be useful for an escape, **[insert description]**;  
**(AND)**
- (3) The Defendant acted intentionally and unlawfully.

A *detention facility* is any place used for the confinement, pursuant to law, of a person:

- (a) Charged with or convicted of a criminal offense;
- (b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent;
- (c) Held for extradition; **(OR)**
- (d) Otherwise confined pursuant to an order of the court. [13A-10-30(b)(2)]

**[Read as appropriate]**: A *deadly weapon* is a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury. The term includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, black-jack, bludgeon, or metal knuckles. [13A-1-2(7)]

**[Read as appropriate]**: *Serious physical injury* is physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ. [13A-1-2(14)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of promoting prison contraband in the first degree, then you shall find the defendant guilty of promoting prison contraband in the first degree.

If you find that the State has failed to prove any one or more of the elements of promoting prison contraband in the first degree, then you cannot find the defendant guilty of promoting prison contraband in the first degree.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

[Approved 8-20-15.]