

Ala. Code 1975, § 15-20A-12(b)

Failing to Report Homelessness Weekly
(Adult)

The defendant is charged with failing to report weekly as a homeless adult sex offender.

A person commits the crime of failing to report weekly as a homeless sex offender weekly if he/she is an adult sex offender, lacks a fixed residence or does not provide an address at a fixed residence at the time of release or registration, and fails to report in person every 7 days to local law enforcement agency where he/she resides.

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

- (1) The defendant was an adult sex offender;
- (2) The defendant no longer had a fixed residence or did not provide an address at a fixed residence at the time of release or registration;
- (3) The defendant failed to report in person to local law enforcement agency where he/she resided every 7 days, on a day specified by local law enforcement, and during normal business hours; **(AND)**
- (4) The defendant did so knowingly.

An *adult sex offender* is a person convicted of a sex offense. [15-20A-4(1)]

A *sex offense* includes any of the following offenses: **[Insert all appropriate from 15-20A-5]**.

A *conviction* is a verdict or finding of guilt as the result of a trial, a plea of guilty, a plea of nolo contendere, or an *Alford* plea regardless of whether adjudication was withheld. Conviction includes, but is not limited to, a conviction in a United States territory, a conviction in a federal or military tribunal, including a court martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian reservation or other federal property, a conviction in any state of the United States or a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5)(B) of Public Law 109-248. Cases on appeal are deemed convictions until reversed or overturned. [15-20A-4(4)]

A *fixed residence* is a building or structure, having a physical address or street number, that adequately provides shelter at which a person resides. [15-20A-4(6)]

Release means release from a state prison, county jail, municipal jail, mental health facility, release or discharge from the custody of the Department of Youth Services or other juvenile detention, or placement on an appeal bond, probation, parole, or aftercare, placement into any facility or treatment program that allows the sex offender to have unsupervised access to the public, or release from any other facility, custodial or noncustodial, where the sex offender is sentenced or made a ward of that facility by a circuit, district, or juvenile judge. [15-20A-4(18)]

Law enforcement agency is the chief of police if the sex offender resides within the city limits of a municipality, or the sheriff of the county if the sex offender resides outside the city limits of a municipality. [15-20A-12(b)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense, then you shall find the defendant guilty of this offense.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense, then you cannot find the defendant guilty of this offense.

Use Notes

See 15-20A-35 for treatment of youthful offender.

[Approved 9-8-15.]