

**Ala. Code 1975, § 15-20A-13(b)**

**Employment near School or Childcare Facility**  
**(Adult)**

The defendant is charged with applying for, accepting, or maintaining employment or volunteering for any employment or vocation near a school or childcare facility as an adult sex offender.

A person commits the crime of applying for, accepting, or maintaining employment or volunteering for any employment or vocation near a school or childcare facility as an adult sex offender if he/she is an adult sex offender and applies for, accepts, or maintains employment or volunteers for employment or vocation within 2,000 feet of the property on which a school or childcare facility is located.

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 applied for, accepted, or maintained employment or volunteered for any employment or vocation within 2,000 feet of the property on which a school or childcare facility is located; **(AND)**
- (3) 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)]

*Employment* is full-time, part-time, self-employment, or employment as an independent contractor or day laborer for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit. [15-20A-4(5)]

The *2,000 foot measurement* shall be taken in a straight line from the nearest property line to the nearest property line. [15-20A-11(g)]

A *school* is a licensed or accredited public, private, or church school that offers instruction in grades K-12. The definition does not include a private residence in which students are taught by parents or tutors or any facility dedicated exclusively to the education of adults unless that facility has a childcare facility. [15-20A-4(23)]

A *childcare facility* is a licensed child daycare center, a licensed childcare facility, or any other childcare service that is exempt from licensing pursuant to Section 38-7-3, provided that the licensed child daycare center, licensed childcare facility, or any other childcare service and location are public record or have been provided to local law enforcement. [15-20A-4(3)]

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**

The defendant may be exempted from these requirements pursuant to 15-20A-24 and 15-20A-25. [15-20A-13(b)]

Changes to property within 2,000 feet of the defendant's place of employment which occur after he/she accepts employment shall not form the basis for finding the defendant in violation of this section. [15-20A-13(d)]

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

[Approved 9-8-15.]