

Ala. Code 1975, § 15-20A-13(c)

Employment near Park
(Adult)

The defendant is charged with applying for, accepting, or maintaining employment or vocation or volunteering for employment or vocation near a playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors, as an adult sex offender, having been convicted of a sex offense involving a child.

A person commits the crime of applying for, accepting, or maintaining employment or vocation or volunteering for employment or vocation near a playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors, as an adult sex offender, having been convicted of a sex offense involving a child, if he/she is an adult sex offender, after having been convicted of a sex offense involving a child, and he/she applies for, accepts, or maintains employment or vocation or volunteers for employment or vocation within 500 feet of a playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors.

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 had been convicted of a sex offense involving a child;
- (3) The defendant applied for, accepted, or maintained employment or vocation or volunteered for employment or vocation within 500 feet of a playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors; **(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 *sex offense involving a child* is a conviction for any sex offense in which the victim was a child or any offense involving child pornography. [15-20A-4(26)]

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 *child* is a person who has not attained the age of 12. [15-20A-4(2)]

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)]

A *minor* is a person who has not attained the age of 18. [15-20A-4(14)]

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.]