

**Ala. Code 1975, § 15-20A-13(e)**

**Employing or Accepting Volunteer Services**  
**(Adult)**

The defendant is charged with knowingly employing or accepting volunteer services from an adult sex offender as the owner or operator of a childcare facility or any other organization that provides services primarily to children.

A person commits the crime of knowingly employing or accepting volunteer services from an adult sex offender as the owner or operator of a childcare facility or any other organization that provides services primarily to children, if he/she is the owner or operator of a childcare facility or any other organization that provides services primarily to children and he/she knowingly employs or accepts volunteer services from an adult sex offender.

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

- (1) The defendant was the owner or operator of a childcare facility or any other organization that provided services primarily to children;
- (2) The defendant employed or accepted the volunteer services from an adult sex offender; **(AND)**
- (3) The defendant did so knowingly.

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 *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)]

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 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.]