

**Ala. Code 1975, § 15-20A-16(a)**

**Contacting Former Victim**  
**(Adult)**

The defendant is charged with contacting a former victim as an adult sex offender.

A person commits the crime of contacting a former victim as an adult sex offender if he/she is an adult sex offender, and contacts, directly or indirectly, in person or through others, by phone, mail, or electronic means, any former victim, or makes any harassing communication, directly or indirectly, in person or through others, by phone, mail, or electronic means to the victim or any immediate family member of the victim.

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 contacted, directly or indirectly, in person or through others, by phone, mail, or electronic means, a former victim, or made a harassing communication, directly or indirectly, in person or through others, by phone, mail, or electronic means to the victim or any immediate family member of the victim; **(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)]

*Immediate family member* is a grandparent, parent, sibling, spouse, child of any age by blood, adoption, or marriage, or grandchild. [15-20A-4(9)]

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.

The defendant may be exempted from these requirements under 15-20A-16(c).

[Approved 9-8-15.]