

Ala. Code 1975, § 15-20A-17(a)

Loitering
(Adult)

The defendant is charged with loitering as an adult sex offender.

A person commits the crime of loitering as an adult sex offender if he/she is an adult sex offender and, after having been convicted of a sex offense involving a minor, loiters on or within 500 feet of the property line of any property on which there is a school, childcare facility, playground, park, athletic field or facility, school bus stop, college or university, 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 minor;
- (3) The defendant loitered on or within 500 feet of the property line of a property on which there was a: **[Read all appropriate]**
 - (a) School;
 - (b) Childcare facility;
 - (c) Playground;
 - (d) Park;
 - (e) Athletic field or facility;
 - (f) School bus stop;
 - (g) College or university; **(OR)**
 - (h) Any other business or facility having a principal purpose of caring for, educating, or entertaining minors;
- (4) The defendant had first been asked to leave the prohibited location by a person authorized to exclude him/her from the premises; **(AND)**
- (5) 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 *minor* is a person who has not attained the age of 18. [15-20A-4(14)]

Loiter means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. [15-20A-17(a)(2)]

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)]

Local law enforcement is the sheriff of the county and the chief of police if the location subject to registration is within the corporate limits of any municipality. [15-20A-4(13)]

A *school bus stop* is a location where a motor vehicle owned or operated by or on behalf of a public or private school stops on a regular basis for the purpose of transporting children to and from school. [15-20A-17(a)(3)]

An *authorized person* includes, but is not limited to, a law enforcement officer, security officer, an owner or manager of the premises, a principal, teacher, or school bus driver if the premises is a school, childcare facility, or bus stop, a coach, if the premises is an athletic field or facility, or any person designated with that authority. [15-20A-17(a)(2)]

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.]