

Ala. Code 1975, § 15-20A-20

Altering Electronic Monitoring Device
(Adult)

The defendant is charged with altering an electronic monitoring device.

A person commits the crime of altering an electronic monitoring device if he/she alters, disables, deactivates, tampers with, removes, damages, or destroys a device used to facilitate electronic monitoring of a person charged or convicted of a sex offense or designated as a sexually violent predator.

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

- (1) The defendant altered, disabled, deactivated, tampered with, removed, damaged, or destroyed a device used to facilitate electronic monitoring of a person charged or convicted of a sex offense or designated as a sexually violent predator; **(AND)**
- (2) The defendant did so knowingly.

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 *sex offense* includes any of the following offenses: **[Insert all appropriate from 15-20A-5].**

A *sexually violent predator* is a person who has been convicted of a sexually violent offense and who is likely to engage in one or more future sexually violent offenses or is likely to engage in future predatory sex offenses [15-20A-4(28)] or a sex offender determined to be a sexually violent predator in any other state. [15-20A-19(g)].

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.]