

**Ala. Code 1975, § 15-20A-30(c)**

**Failing to Notify Law Enforcement When New Residence  
(Juvenile)**

The defendant is charged with failing to notify law enforcement when residence is transferred or terminated or a change in custody results in a transfer of residence.

A person commits the crime of failing to notify law enforcement when residence is transferred or terminated or a change in custody results in a transfer of residence if he/she is the parent, custodian, or guardian of a juvenile sex offender; that parent, custodian, or guardian transfers or terminates the residence of the juvenile sex offender, or the custody of the juvenile sex offender is changed to a different parent, custodian, or guardian resulting in a transfer of residence; and the original parent, custodian, or guardian with custody fails to immediately notify local law enforcement in each county of residence.

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

- (1) The defendant was a parent, custodian, or guardian of a juvenile sex offender;
- (2) The defendant transferred or terminated the residence of the juvenile sex offender, or the custody of the juvenile sex offender was changed to a different parent, custodian, or guardian resulting in a transfer of residence;
- (3) The defendant failed to immediately notify local law enforcement in each county of residence; **(AND)**
- (4) The defendant did so knowingly.

A *juvenile sex offender* is an individual who has not attained the age of 18 at the time of the offense and who is adjudicated delinquent of a sex offense. [15-20A-4(12)]

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

A *residence* is each fixed residence or other place where a person resides, sleeps, or habitually lives or will reside, sleep, or habitually live. If a person does not reside, sleep, or habitually live in a fixed residence, residence means a description of the locations where the person is stationed regularly, day or night, including any mobile or transitory living quarters or locations that have no specific mailing or street address. Residence shall be construed to refer to the places where a person resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the person declares or characterizes such place as a residence. [15-20A-4(20)]

A *fixed residence* is a building or structure, having a physical address or street number, that adequately provides shelter at which a person resides. [15-20A-4(6)]

*Habitually lives* is where a person lives with some regularity on an intermittent or temporary basis. [15-20A-4(7)]

*Immediately* is within three business days. [15-20A-4(10)]

*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 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**

It is a defense for the parent, guardian, or custodian of the juvenile sex offender if the juvenile sex offender was the age of majority at the required registration time. When a juvenile sex offender becomes the age of majority, the parent, guardian, or custodian of the juvenile sex offender shall no longer be subject to this section and the juvenile sex offender shall instead be solely responsible for all of the requirements pursuant to this section. [15-20A-29(b)]

The age of majority is 19. [26-1-1]

See 15-20A-35 for treatment of youthful offender.

[Approved 9-8-15.]