

**Ala. Code 1975, § 15-20A-39**

**Harboring, Assisting, Concealing or Withholding Information  
About a Sex Offender**

The defendant is charged with harboring, assisting, concealing or withholding information about a sex offender.

A person commits the crime of harboring, assisting, concealing or withholding information about a sex offender if he/she has knowledge or reason to believe that a sex offender is required to register and he/she assists the sex offender in avoiding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the registration requirements if he/she harbors, assists, conceals or withholds information about the sex offender.

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

- (1) The defendant had knowledge or reason to believe that a sex offender was required to register;
- (2) The defendant assisted the sex offender in avoiding a law enforcement agency that was seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the registration requirements by doing any of the following:

**[Read all appropriate]:**

- a. Harboring, attempting to harbor, or assisting another person in harboring or attempting to harbor the sex offender;
- b. Allowing a sex offender to reside at his/her residence to avoid registration if the address is not the address the sex offender listed as his/her residence;
- c. Warning a sex offender that a law enforcement agency is attempting to locate the sex offender;
- d. Providing the sex offender with: **[Read as appropriate]**
  - i. Money;
  - ii. Transportation;
  - iii. Weapon;
  - iv. Disguise; **(OR)**
  - v. Other means of avoiding discovery or apprehension;
- e. Concealing, attempting to conceal, or assisting another in concealing or attempting to conceal the sex offender; **(OR)**
- f. Providing information to a law enforcement agency regarding a sex offender which the person knows to be false; **(AND)**

(3) The defendant did so knowingly.

A *sex offender* includes any adult sex offender, any youthful offender sex offender, and any juvenile sex offender. [15-20A-4(25)]

An *adult sex offender* is a person convicted of a sex offense. [15-20A-4(1)]

A *youthful offender sex offender* is an individual adjudicated as a youthful offender for a sex offense who has not attained the age of 21 at the time of the offense. [15-20A-4(31)]

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)]

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.

[Approved 9-8-15.]