

Ala. Code 1975, § 15-20A-17(b)

Entering a School
(Adult)

The defendant is charged with entering onto school property or attending a K-12 school activity as an adult sex offender.

A person commits the crime of entering onto school property or attending a K-12 school activity 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, enters onto the property of a K-12 school while school is in session or attends any K-12 school activity without notifying the principal of the school or his or her designee before entering onto property or attending the K-12 school activity; immediately reporting to the principal or his or her designee upon entering the property or arriving at the K-12 school activity; and complying with any procedures established by the school to monitor the whereabouts of the sex offender for the duration of his or her presence on the school property or attendance at the K-12 school activity.

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 entered onto the property of a K-12 school while school was in session or attended a K-12 school activity; **(AND)**
- (4) The defendant failed to: **[Read all appropriate]**
 - (a) Notify the principal of the school, or his/her designee, before entering onto the property or attending the K-12 school activity;
 - (b) Immediately report to the principal of the school, or his/her designee, upon entering the property or arriving at the K-12 school activity; **(OR)**
 - (c) Comply with any procedures established by the school to monitor the whereabouts of the sex offender for the duration of his/her presence on the school property or attendance at the K-12 school activity; **(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 *sex offense involving a minor* is a conviction for any sex offense in which the victim was a minor or any offense involving child pornography. [15-20A-4(27)]

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)]

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 *K-12 school activity* is an activity sponsored by a school in which students in grades K-12 are the primary intended participants or for whom students in grades K-12 are the primary intended audience including, but not limited to, school instructional time, after school care, after school tutoring, athletic events, field trips, school plays, or assemblies. [15-20A-17(b)(3)]

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

For a public K-12 school, the local school board shall adopt a policy to effectuate this section. [15-20A-17(b)(1)(c)] Procedures established to effectuate this are limited to

rules that allow the principal of the school, or his/her designee, to discreetly monitor the defendant. [15-20A-17(b)(2)]

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

[Approved 9-8-15.]