

**Ala. Code 1975, § 13A-10-38(a)(3)**

**Promoting Prison Contraband in the Third Degree**  
**(Non-Inmate - Currency)**

The defendant is charged with promoting prison contraband in the third degree.

A person commits the crime of promoting prison contraband in the third degree if he/she intentionally and unlawfully introduces within a state detention facility operated by the Department of Corrections, or provides an inmate in a state detention facility operated by the Department of Corrections with, any currency or coin which the actor knows or should know is unlawful to introduce or the possession of which is not authorized by an inmate by the written policy of the Department of Corrections.

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

- (1) The Defendant
  - (a) Introduced within a state detention facility operated by the Department of Corrections, **[insert description]; (OR)**
  - (b) Provided an inmate in a state detention facility operated by the Department of Corrections with;

any currency or coin, **[insert description]**, which the actor knew or should have known was unlawful to introduce or the possession of which was not authorized by an inmate by the written policy of the Department of Corrections; **(AND)**

- (2) The Defendant acted intentionally and unlawfully.

A *detention facility* is any place used for the confinement, pursuant to law, of a person:

- (a) Charged with or convicted of a criminal offense;
- (b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent;
- (c) Held for extradition; **(OR)**
- (d) Otherwise confined pursuant to an order of the court. [13A-10-30(b)(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of promoting prison contraband in the third degree, then you shall find the defendant guilty of promoting prison contraband in the third degree.

If you find that the State has failed to prove any one or more of the elements of promoting prison contraband in the third degree, then you cannot find the defendant guilty of promoting prison contraband in the third degree.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

[Approved 8-20-15.]