

Ala. Code 1975, § 15-20A-13(a)

Employment Serving Children
(Adult)

The defendant is charged with applying for, accepting, or maintaining employment or vocation or volunteering at a place that offers services primarily to children as an adult sex offender.

A person commits the crime of applying for, accepting, or maintaining employment or vocation or volunteering at a place that offers services primarily to children as an adult sex offender if he/she is an adult sex offender and applies for, accepts, or maintains employment or vocation or volunteers at any school, childcare facility, mobile vending business that provides services primarily to children, or any other business or organization that provides services primarily to children.

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 applied for, accepted, or maintained employment or vocation or volunteered at a school, childcare facility, mobile vending business that provides services primarily to children, or any other business or organization that provides services primarily to children; **(AND)**
- (3) 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 *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)]

Employment is full-time, part-time, self-employment, or employment as an independent contractor or day laborer for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit. [15-20A-4(5)]

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 *childcare facility* is a licensed child daycare center, a licensed childcare facility, or any other childcare service that is exempt from licensing pursuant to Section 38-7-3, provided that the licensed child daycare center, licensed childcare facility, or any other childcare service and location are public record or have been provided to local law enforcement. [15-20A-4(3)]

A *child* is a person who has not attained the age of 12. [15-20A-4(2)]

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

Changes to property within 2,000 feet of the defendant's place of employment which occur after he/she accepts employment shall not form the basis for finding the defendant in violation of this section. [15-20A-13(d)]

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

[Approved 9-8-15.]