

Ala. Code 1975, § 15-20A-14(d)

Failing to Provide Certified Copy of Conviction
(Adult)

The defendant is charged with failing to provide each registering agency with a certified copy of his/her sex offense conviction as an adult sex offender within 30 days of initial registration.

A person commits the crime of failing to provide each registering agency with a certified copy of his/her sex offense conviction as an adult sex offender within 30 days of initial registration if he/she is an adult sex offender who fails within 30 days of initial registration to provide each registering agency with a certified copy of his/her sex offense conviction.

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 failed within 30 days of initial registration to provide each registering agency with a certified copy of his/her sex offense conviction;
(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)]

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)]

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 *student* is a person who is enrolled in or attends, on a full-time or part-time basis, any public or private educational institution, including a secondary school, trade, or professional school, or institution of higher learning. [15-20A-4(29)]

A *registering agency* is any agency with whom the sex offender registers required registration information.

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)]

Required registration information is any information required pursuant to 15-20A-7. [15-20A-4(19)]

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

The defendant is exempt from this requirement if he/she provides adequate documentation that the certified record is no longer available or has been destroyed. [15-20A-14(d)]

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

[Approved 9-8-15.]