

SB120 ENROLLED



1 Z48XWK-3
2 By Senators Coleman-Madison, Barfoot, Stutts, Gudger, Givhan,
3 Coleman, Stewart, Melson, Albritton
4 RFD: Judiciary
5 First Read: 22-Mar-23
6 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to crimes; to amend Sections 13A-10-30,
5 13A-10-36, 13A-10-37, and 13A-10-38, Code of Alabama 1975, to
6 allow a detention facility to adopt a policy to further define
7 what items constitute "contraband" for purposes of banning
8 certain items from detention facilities; to further define the
9 crimes of promoting contraband in the first, second, and third
10 degree to apply to juveniles under certain circumstances; to
11 make nonsubstantive, technical revisions to update the
12 existing code language to current style; and in connection
13 therewith would have as its purpose or effect the requirement
14 of a new or increased expenditure of local funds within the
15 meaning of Section 111.05 of the Constitution of Alabama of
16 2022.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 13A-10-30, 13A-10-36, 13A-10-37,
19 and 13A-10-38, Code of Alabama 1975, are amended to read as
20 follows:

21 "§13A-10-30

22 (a) The definitions contained in Section 13A-10-1 are
23 applicable in this article unless the context requires
24 otherwise.

25 (b) The following definitions are also applicable to
26 this article:

27 ~~(1)~~ (2) CUSTODY. A restraint or detention by a public
28 servant pursuant to a lawful arrest, conviction, or order of



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29 court, but does not include mere supervision of probation or
30 parole, or constraint incidental to release on bail.

31 ~~(2)~~ (3) DETENTION FACILITY. Any place used for the
32 confinement, pursuant to law, of a person:

33 a. Charged with or convicted of a criminal offense; ~~or~~.

34 b. Charged with being or adjudicated a youthful
35 offender, or a neglected minor or juvenile delinquent; ~~or~~.

36 c. Held for extradition; ~~or~~.

37 d. Otherwise confined pursuant to an order of court.

38 ~~(3)~~ (4) PENAL FACILITY. Any security correctional
39 institution for the confinement of persons arrested for,
40 charged with, or convicted of a criminal offense, including,
41 but not limited to, ~~the following security facilities:~~ the
42 state penitentiary and any branch ~~thereof~~ of the state
43 penitentiary, or any county or city jail.

44 ~~(4)~~ (1) CONTRABAND. Any article or thing which a person
45 confined in a detention facility is legally prohibited from
46 obtaining or possessing by statute, rule, regulation,
47 detention center policy, or order."

48 "§13A-10-36

49 (a) A person is guilty of promoting prison contraband
50 in the first degree if he or she does either of the following:

51 (1) ~~He intentionally~~ Intentionally and unlawfully
52 introduces within a detention facility, or provides an inmate
53 or juvenile with, any deadly weapon, instrument, tool, or
54 other ~~thing which~~ item that may be useful for escape;.

55 (2) Being a person confined in a detention facility, ~~he~~
56 intentionally and unlawfully makes, obtains, or possesses any



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57 deadly weapon, instrument, tool, or other ~~thing which~~ item
58 that may be useful for escape.

59 (b) Promoting prison contraband in the first degree is
60 a Class C felony."

61 "§13A-10-37

62 (a) A person is guilty of promoting prison contraband
63 in the second degree if he or she does either of the
64 following:

65 (1) ~~He intentionally~~ Intentionally and unlawfully
66 introduces within a detention facility, or provides an inmate
67 or juvenile with, any narcotic, dangerous drug or controlled
68 substance as defined in the "Alabama Controlled Substances
69 Act," or any amendments thereto; ~~or.~~ .

70 (2) Being a person confined in a detention facility, ~~he~~
71 intentionally and unlawfully makes, obtains, or possesses any
72 narcotic, dangerous drug, or controlled substance as defined
73 in Chapter 2 of Title 20 ~~of this Code.~~

74 (b) Promoting prison contraband in the second degree is
75 a Class C felony."

76 "§13A-10-38

77 (a) A person is guilty of promoting prison contraband
78 in the third degree if ~~the person~~ he or she does any of the
79 following:

80 (1) ~~He or she intentionally~~ Intentionally and unlawfully
81 introduces within a detention facility, or provides an inmate
82 or juvenile with, any contraband or ~~thing which~~ item that the
83 actor knows or should know ~~it~~ is unlawful to introduce or for
84 the inmate or juvenile to possess.

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85 (2) Being a person confined in a detention facility, ~~he~~
86 ~~or she~~ intentionally and unlawfully makes, obtains, or
87 possesses any contraband.

88 (3) ~~He or she intentionally~~ Intentionally introduces
89 within a state detention facility operated by the Department
90 of Corrections, or provides an inmate in a state detention
91 facility operated by the Department of Corrections with, any
92 currency or coin ~~which~~ that the actor knows or should know is
93 unlawful to introduce or the possession of which is not
94 authorized by an inmate by the written policy of the
95 Department of Corrections.

96 (4) Being a person in the custody of the Department of
97 Corrections, ~~he or she~~ obtains or possesses any currency or
98 coin, the possession of which is not authorized by the written
99 policy of the Department of Corrections.

100 (b) Promoting prison contraband in the third degree is
101 a Class B misdemeanor.

102 (c) Any currency or coin contraband found on or in the
103 possession of any inmate in any state detention facility
104 operated by the Department of Corrections, the possession of
105 which is not authorized by the written policy of the
106 Department of Corrections, shall be confiscated and liquidated
107 after notice and a hearing as provided by departmental policy
108 and the proceeds shall be deposited in the general operating
109 fund of the department."

110 ~~Section 2. Notwithstanding Section 13A-10-36,~~
111 ~~13A-10-37, or 13A-10-38, no juvenile who is confined in a~~
112 ~~detention facility shall be guilty of promoting prison~~



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113 ~~contraband.~~

114 Section 2. Although this bill would have as its
115 purpose or effect the requirement of a new or increased
116 expenditure of local funds, the bill is excluded from further
117 requirements and application under Section 111.05 of the
118 Constitution of Alabama of 2022, because the bill defines a
119 new crime or amends the definition of an existing crime.

120 Section 3. This act shall become effective on the first
121 day of the third month following its passage and approval by
122 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB120
Senate 25-Apr-23
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 18-May-23

Senate concurred in House amendment 18-May-23

By: Senator Coleman-Madison