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



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



- court, but does not include mere supervision of probation or parole, or constraint incidental to release on bail.
- 31 (2) (3) DETENTION FACILITY. Any place used for the confinement, pursuant to law, of a person:
 - a. Charged with or convicted of a criminal offense; or.
- b. Charged with being or adjudicated a youthful
 offender, or a neglected minor or juvenile delinquent; or.
 - c. Held for extradition; or.
- d. Otherwise confined pursuant to an order of court.
- institution for the confinement of persons arrested for,

 charged with, or convicted of a criminal offense, including,

 but not limited to, the following security facilities: the

 state penitentiary and any branch thereof of the state
- 43 <u>penitentiary,</u> 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

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- (a) A person is guilty of promoting prison contraband in the first degree if he or she does either of the following:
 - (1) He intentionally Intentionally and unlawfully introduces within a detention facility, or provides an inmate or juvenile with, any deadly weapon, instrument, tool, or other thing which item that may be useful for escape;.
- (2) Being a person confined in a detention facility, he intentionally and unlawfully makes, obtains, or possesses any



- 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."
- "\$13A-10-37 61
- (a) A person is guilty of promoting prison contraband 62 63 in the second degree if he or she does either of the 64 following:
- (1) He intentionally Intentionally and unlawfully 65 introduces within a detention facility, or provides an inmate 66 67 or juvenile with, any narcotic, dangerous drug or controlled substance as defined in the "Alabama Controlled Substances 68 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 narcotic, dangerous drug, or controlled substance as defined 72 in Chapter 2 of Title 20 of this Code. 73
- 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 in the third degree if the person he or she does any of the 78 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 actor knows or should know it is unlawful to introduce or for 83 the inmate or juvenile to possess. 84



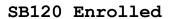
85 (2) Being a person confined in a detention facility, he
86 or she intentionally and unlawfully makes, obtains, or
87 possesses any contraband.

- 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 that 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.
- (4) Being a person in the custody of the Department of Corrections, he or she obtains or possesses any currency or coin, the possession of which is not authorized by the written policy of the Department of Corrections.
- 100 (b) Promoting prison contraband in the third degree is
 101 a Class B misdemeanor.
 - (c) Any currency or coin contraband found on or in the possession of any inmate in any state detention facility operated by the Department of Corrections, the possession of which is not authorized by the written policy of the Department of Corrections, shall be confiscated and liquidated after notice and a hearing as provided by departmental policy and the proceeds shall be deposited in the general operating fund of the department."

Section 2. Notwithstanding Section 13A-10-36,

111 13A-10-37, or 13A-10-38, no juvenile who is confined in a

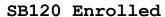
112 detention facility shall be guilty of promoting prison





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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.





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