

SB120 INTRODUCED



1 Z48XWK-1
2 By Senator Coleman-Madison
3 RFD: Judiciary
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, a person is guilty of promoting prison contraband if the person intentionally and unlawfully introduces contraband into a detention facility or if the person is confined to a detention facility and obtains or possesses contraband.

Also under existing law, a statute, rule, regulation, or order may define what items constitute "contraband".

This bill would allow a detention facility to adopt a policy to further define what items constitute "contraband" for purposes of banning certain items from detention facilities.

Under existing law, the crimes of promoting prison contraband in the first, second, and third degree limit their application to inmates under certain circumstances.

This bill would further define the crimes of promoting contraband in the first, second, and third degree to apply to juveniles under certain circumstances.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.



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29 Section 111.05 of the Constitution of Alabama of
30 2022, prohibits a general law whose purpose or effect
31 would be to require a new or increased expenditure of
32 local funds from becoming effective with regard to a
33 local governmental entity without enactment by a 2/3
34 vote unless: it comes within one of a number of
35 specified exceptions; it is approved by the affected
36 entity; or the Legislature appropriates funds, or
37 provides a local source of revenue, to the entity for
38 the purpose.

39 The purpose or effect of this bill would be to
40 require a new or increased expenditure of local funds
41 within the meaning of the amendment. However, the bill
42 does not require approval of a local governmental
43 entity or enactment by a 2/3 vote to become effective
44 because it comes within one of the specified exceptions
45 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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53 Relating to crimes; to amend Sections 13A-10-30,
54 13A-10-36, 13A-10-37, and 13A-10-38, Code of Alabama 1975, to
55 allow a detention facility to adopt a policy to further define
56 what items constitute "contraband" for purposes of banning



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57 certain items from detention facilities; to further define the
58 crimes of promoting contraband in the first, second, and third
59 degree to apply to juveniles under certain circumstances; to
60 make nonsubstantive, technical revisions to update the
61 existing code language to current style; and in connection
62 therewith would have as its purpose or effect the requirement
63 of a new or increased expenditure of local funds within the
64 meaning of Section 111.05 of the Constitution of Alabama of
65 2022.

66 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

70 "§13A-10-30

71 (a) The definitions contained in Section 13A-10-1 are
72 applicable in this article unless the context requires
73 otherwise.

74 (b) The following definitions are also applicable to
75 this article:

76 ~~(1)~~ (2) CUSTODY. A restraint or detention by a public
77 servant pursuant to a lawful arrest, conviction, or order of
78 court, but does not include mere supervision of probation or
79 parole, ~~or~~ or constraint incidental to release on bail.

80 ~~(2)~~ (3) DETENTION FACILITY. Any place used for the
81 confinement, pursuant to law, of a person:

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

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



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85 c. Held for extradition;~~or.~~
86 d. Otherwise confined pursuant to an order of court.

87 ~~(3)~~ (4) PENAL FACILITY. Any security correctional
88 institution for the confinement of persons arrested for,
89 charged with, or convicted of a criminal offense, including,
90 but not limited to, ~~the following security facilities:~~ the
91 state penitentiary and any branch ~~thereof~~ of the state
92 penitentiary, or any county or city jail.

93 ~~(4)~~ (1) CONTRABAND. Any article or thing which a person
94 confined in a detention facility is legally prohibited from
95 obtaining or possessing by statute, rule, regulation,
96 detention center policy, or order."

97 "§13A-10-36

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

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

104 (2) Being a person confined in a detention facility, ~~he~~
105 intentionally and unlawfully makes, obtains, or possesses any
106 deadly weapon, instrument, tool, or other ~~thing which~~ item
107 that may be useful for escape.

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

110 "§13A-10-37

111 (a) A person is guilty of promoting prison contraband
112 in the second degree if he or she does either of the



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113 following:

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

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

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

125 "§13A-10-38

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

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

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

137 (3) ~~He or she intentionally~~ Intentionally introduces
138 within a state detention facility operated by the Department
139 of Corrections, or provides an inmate in a state detention
140 facility operated by the Department of Corrections with, any



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141 currency or coin ~~which~~ that the actor knows or should know is
142 unlawful to introduce or the possession of which is not
143 authorized by an inmate by the written policy of the
144 Department of Corrections.

145 (4) Being a person in the custody of the Department of
146 Corrections, ~~he or she~~ obtains or possesses any currency or
147 coin, the possession of which is not authorized by the written
148 policy of the Department of Corrections.

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

151 (c) Any currency or coin contraband found on or in the
152 possession of any inmate in any state detention facility
153 operated by the Department of Corrections, the possession of
154 which is not authorized by the written policy of the
155 Department of Corrections, shall be confiscated and liquidated
156 after notice and a hearing as provided by departmental policy
157 and the proceeds shall be deposited in the general operating
158 fund of the department."

159 Section 2. Although this bill would have as its purpose
160 or effect the requirement of a new or increased expenditure of
161 local funds, the bill is excluded from further requirements
162 and application under Section 111.05 of the Constitution of
163 Alabama of 2022, because the bill defines a new crime or
164 amends the definition of an existing crime.

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