



**House Public Safety and Homeland Security Reported
Substitute for SB120**

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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-10-30

(a) The definitions contained in Section 13A-10-1 are



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29 applicable in this article unless the context requires
30 otherwise.

31 (b) The following definitions are also applicable to
32 this article:

33 ~~(1)~~ (2) CUSTODY. A restraint or detention by a public
34 servant pursuant to a lawful arrest, conviction, or order of
35 court, but does not include mere supervision of probation or
36 parole, ~~or~~ or constraint incidental to release on bail.

37 ~~(2)~~ (3) DETENTION FACILITY. Any place used for the
38 confinement, pursuant to law, of a person:

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

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

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

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

44 ~~(3)~~ (4) PENAL FACILITY. Any security correctional
45 institution for the confinement of persons arrested for,
46 charged with, or convicted of a criminal offense, including, or
47 but not limited to, ~~the following security facilities:~~ the
48 state penitentiary and any branch ~~thereof~~ of the state
49 penitentiary, or any county or city jail.

50 ~~(4)~~ (1) CONTRABAND. Any article or thing which a person
51 confined in a detention facility is legally prohibited from
52 obtaining or possessing by statute, rule, regulation, or
53 detention center policy, or order."

54 "§13A-10-36

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



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

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

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

67 "§13A-10-37

68 (a) A person is guilty of promoting prison contraband
69 in the second degree if he or she does either of the
70 following:

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

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

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

82 "§13A-10-38

83 (a) A person is guilty of promoting prison contraband
84 in the third degree if ~~the person~~ he or she does any of the



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85 following:

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

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

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

102 (4) Being a person in the custody of the Department of
103 Corrections, ~~he or she~~ obtains or possesses any currency or
104 coin, the possession of which is not authorized by the written
105 policy of the Department of Corrections.

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

108 (c) Any currency or coin contraband found on or in the
109 possession of any inmate in any state detention facility
110 operated by the Department of Corrections, the possession of
111 which is not authorized by the written policy of the
112 Department of Corrections, shall be confiscated and liquidated



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113 after notice and a hearing as provided by departmental policy
114 and the proceeds shall be deposited in the general operating
115 fund of the department."

116 ~~Section 2. Notwithstanding Section 13A-10-36,~~
117 ~~13A-10-37, or 13A-10-38, no juvenile who is confined in a~~
118 ~~detention facility shall be guilty of promoting prison~~
119 ~~contraband.~~

120 **Section 2.** Although this bill would have as its
121 purpose or effect the requirement of a new or increased
122 expenditure of local funds, the bill is excluded from further
123 requirements and application under Section 111.05 of the
124 Constitution of Alabama of 2022, because the bill defines a
125 new crime or amends the definition of an existing crime.

126 **Section 3.** This act shall become effective on the first
127 day of the third month following its passage and approval by
128 the Governor, or its otherwise becoming law.

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131 Senate

132 Read for the first time and referred22-Mar-23
133 to the Senate committee on Judiciary
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135 Read for the second time and placed05-Apr-23
136 on the calendar:
137 0 amendments
138
139 Read for the third time and passed25-Apr-23
140 as amended
141 Yeas 32
142 Nays 0
143 Abstains 0
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146 Patrick Harris,
147 Secretary.
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