

**SB120 ENGROSSED**



1 Z48XWK-2  
2 By Senators Coleman-Madison, Barfoot, Stutts, Gudger, Givhan,  
3 Coleman, Stewart, Melson, Albritton  
4 RFD: Judiciary  
5 First Read: 22-Mar-23  
6  
7 2023 Regular Session



**SB120 Engrossed**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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



## SB120 Engrossed

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:



## SB120 Engrossed

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

SB120 Engrossed



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



## SB120 Engrossed

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 3. 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 4. 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.

SB120 Engrossed



129  
130  
131 Senate

132 Read for the first time and referred .....22-Mar-23  
133 to the Senate committee on Judiciary  
134  
135 Read for the second time and placed .....05-Apr-23  
136 on the calendar:  
137 0 amendments  
138  
139 Read for the third time and passed .....25-Apr-23  
140 as amended  
141 Yeas 32  
142 Nays 0  
143 Abstains 0  
144  
145

146 Patrick Harris,  
147 Secretary.  
148