

1 SB268
2 125305-1
3 By Senators Reed, Brooks, Ward and Williams
4 RFD: Judiciary
5 First Read: 09-FEB-12

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8 SYNOPSIS: Under existing law, a person commits sodomy
9 in the second degree if he or she, being 16 years
10 old or older, engages in deviate sexual intercourse
11 with another person less than 16 and more than 12
12 years old. A defendant may be guilty of the offense
13 regardless of the consent of the alleged victim.

14 This bill would provide that the defendant
15 would be guilty of sodomy in the second degree if
16 the defendant is at least two years older than the
17 alleged victim.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 To amend Section 13A-6-64 of the Code of Alabama
24 1975, relating to sodomy in the second degree; to provide that
25 the crime would apply provided the defendant is at least two
26 years older than the alleged victim.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 13A-6-64, Code of Alabama 1975,
3 is amended to read as follows:

4 "§13A-6-64.

5 "(a) A person commits the crime of sodomy in the
6 second degree if:

7 "(1) He or she, being 16 years old or older, engages
8 in deviate sexual intercourse with another person less than 16
9 and more than 12 years old; provided, however, the actor is at
10 least two years older than the other person.

11 "(2) He or she engages in deviate sexual intercourse
12 with a person who is incapable of consent by reason of being
13 mentally defective.

14 "(b) Sodomy in the second degree is a Class B
15 felony."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.