

1 SB269
2 105166-1
3 By Senators Reed, Ward, Brooks and Williams
4 RFD: Judiciary
5 First Read: 09-FEB-12

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8 SYNOPSIS: This bill would create the separate crime
9 of sexual misconduct with a child less than 12
10 years old to apply to situations where the
11 perpetrator of the sexual misconduct is less than
12 16 years old but more than 12 years old and the
13 victim is less than 12 years old and at least four
14 years younger than the perpetrator.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To create the crime of sexual misconduct with a
16 child less than 12 years old; to provide penalties; and in
17 connection therewith would have as its purpose or effect the
18 requirement of a new or increased expenditure of local funds
19 within the meaning of Amendment 621 of the Constitution of
20 Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) A person commits the crime of sexual
25 misconduct with a child less than 12 years old if he or she,
26 being less than 16 years old but at least 12 years old,

1 engages in sexual intercourse or deviate sexual intercourse
2 with a child who is less than 12 years old and who is at least
3 four years younger than the actor.

4 (b) Sexual misconduct with a child less than 12
5 years old is a Class C felony.

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, now
10 appearing as Section 111.05 of the Official ReCompilation of
11 the Constitution of Alabama of 1901, as amended, because the
12 bill defines a new crime or amends the definition of an
13 existing crime.

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