

1 HB465  
2 117290-1  
3 By Representatives McCutcheon, Treadaway, Drake, Canfield,  
4 Ward, White, Collier, Taylor, Faust, Williams (P), Beck and  
5 Clouse  
6 RFD: Judiciary  
7 First Read: 28-JAN-10

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8 SYNOPSIS: Under existing law, there is no specific  
9 crime designated continuous sexual abuse of a  
10 child.

11 This bill would create the crime of  
12 continuous sexual abuse of a child and provide  
13 penalties for the crime.

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

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

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9                                   A BILL  
10                                  TO BE ENTITLED  
11                                  AN ACT

12  
13           Relating to crimes and offenses; to create the crime  
14           of continuous sexual abuse of a child and to provide for  
15           penalties; and in connection therewith would have as its  
16           purpose or effect the requirement of a new or increased  
17           expenditure of local funds within the meaning of Amendment 621  
18           of the Constitution of Alabama of 1901, now appearing as  
19           Section 111.05 of the Official Recompilation of the  
20           Constitution of Alabama of 1901, as amended.

21           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22           Section 1. (a) A person commits the crime of  
23           continuous sexual abuse of a child when the person  
24           intentionally engages in three or more acts of sexual conduct  
25           with a child who was under the age of 16 years when the first  
26           act of sexual conduct occurred.

1                   (b) The term "sexual conduct" includes any of those  
2 sexual acts defined under Sections 13A-6-61, 13A-6-62,  
3 13A-6-63, 13A-6-64, 13A-6-65.1, 13A-6-66, and 13A-6-67 of the  
4 Code of Alabama 1975.

5                   (c) Continuous sexual abuse of a child is a Class A  
6 felony.

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

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