

1 HB530
2 117841-1
3 By Representatives Hurst, Oden, Thomas (E), Greeson and
4 Johnson
5 RFD: Judiciary
6 First Read: 09-FEB-10

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8 SYNOPSIS: This bill would provide that any person
9 over the age of 21 who is convicted of rape in the
10 first degree, sodomy in the first degree, or sexual
11 torture in the first degree of a child less than
12 six years of age would automatically receive a
13 sentence of life imprisonment without the
14 possibility of parole.

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
26 funds, or provides a local source of revenue, to
27 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

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13 To provide a mandatory sentence of life imprisonment
14 without the possibility of parole for certain sex crimes
15 against children; and in connection therewith would have as
16 its 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 defendant convicted of a sex offense
23 pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when
24 the defendant was 21 years of age or older and the victim was
25 six years of age or less at the time the offense was committed
26 shall be ordered by the sentencing judge to serve a mandatory
27 term of life imprisonment without the possibility of parole.

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

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