

1 HB292
2 215369-1
3 By Representative Kiel
4 RFD: Judiciary
5 First Read: 08-FEB-22

8 SYNOPSIS: Under existing law, without regard to
9 consent, an individual may not marry or engage in
10 sexual intercourse with another individual when
11 those individuals are related by certain degrees of
12 consanguinity, adoption, or, in certain situations,
13 marriage.

14 This bill would further provide for the
15 crime of incest to prohibit sodomy or sexual
16 contact between individuals when those individuals
17 are related by certain degrees of consanguinity,
18 adoption, or, in certain situations, marriage.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, as amended by Amendment 890, now appearing
21 as Section 111.05 of the Official ReCompilation of
22 the Constitution of Alabama of 1901, prohibits a
23 general law whose purpose or effect would be to
24 require a new or increased expenditure of local
25 funds from becoming effective with regard to a
26 local governmental entity without enactment by a
27 2/3 vote unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to crimes and offenses; to amend Section
18 13A-13-3, Code of Alabama 1975, to further provide for the
19 crime of incest, to include sodomy and sexual contact as
20 prohibited behavior within the meaning of the offense; and in
21 connection therewith would have as its purpose or effect the
22 requirement of a new or increased expenditure of local funds
23 within the meaning of Amendment 621 of the Constitution of
24 Alabama of 1901, as amended by Amendment 890, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§13A-13-3.

4 "(a) A person commits incest if he or she marries or
5 engages in sexual intercourse, sodomy, or sexual contact, as
6 those terms are defined under Section 13A-6-60, with a person
7 he or she knows to be, either legitimately or illegitimately,
8 any of the following:

9 "(1) His or her ancestor or descendant by blood or
10 adoption;~~or.~~

11 "(2) His or her brother or sister of the whole or
12 half-blood or by adoption;~~or.~~

13 "(3) His or her stepchild or stepparent, while the
14 marriage creating the relationship exists;~~or.~~

15 "(4) His or her aunt, uncle, nephew, or niece of the
16 whole or half-blood.

17 "(b) A person shall not be convicted of incest or of
18 an attempt to commit incest upon the uncorroborated testimony
19 of the person with whom the offense is alleged to have been
20 committed.

21 "(c) Incest is a Class C felony."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, as amended
26 by Amendment 890, now appearing as Section 111.05 of the
27 Official Recompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the
2 definition of an existing crime.

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