

1 HB237
2 197464-1
3 By Representatives Simpson, Rowe, Stringer, Brown (C),
4 Robertson, Wood (D), Fridy, Estes, South and McCutcheon
5 RFD: Judiciary
6 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, a violation of sex abuse
9 in the second degree is a Class A misdemeanor,
10 except for certain circumstances.

11 This bill would create an enhanced sentence
12 for a violation of sex abuse in the second degree
13 if there is at least a 15-year age difference
14 between the defendant and victim.

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.
4 However, the bill does not require approval of a
5 local governmental entity or enactment by a 2/3
6 vote to become effective because it comes within
7 one of the specified exceptions contained in the
8 amendment.

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to sex abuse in the second degree; to amend
15 Section 13A-6-67, Code of Alabama 1975; to provide for an
16 enhanced sentence for a violation of sex abuse in the second
17 degree if there is at least a 15-year age difference between
18 the defendant and victim; and in connection therewith would
19 have as its purpose or effect the requirement of a new or
20 increased expenditure of local funds within the meaning of
21 Amendment 621 of the Constitution of Alabama of 1901, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 13A-6-67, Code of Alabama 1975,
26 is amended to read as follows:

27 "§13A-6-67.

1 "(a) A person commits the crime of sexual abuse in
2 the second degree if he or she does either of the following:

3 "(1) ~~He subject~~ Subjects another person to sexual
4 contact who is incapable of consent by reason of some factor
5 other than being less than 16 years old; ~~or.~~

6 "(2) ~~He, being~~ Being 19 years old or older, subjects
7 another person to sexual contact who is less than 16 years
8 old, but more than 12 years old.

9 "(b) Sexual abuse in second degree is a Class A
10 misdemeanor, except ~~that~~ as provided in subsection (c), and
11 if a person commits a second or subsequent offense of sexual
12 abuse in the second degree within one year of another sexual
13 offense, the offense is a Class C felony.

14 "(c) If a person violates subdivision (2), and he or
15 she is at least 15 years older than the victim, the offense
16 shall be a Class C felony."

17 Section 2. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

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

