

1 HB240
2 208460-1
3 By Representative Shaver
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

8 SYNOPSIS: Under existing law, it is unlawful for a
9 teacher to send obscene material to a student.

10 This bill would make it illegal for a
11 teacher to solicit a student to send obscene
12 material to a teacher.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

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

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating to crimes and offenses; to amend Section
13 13A-6-82.1, Code of Alabama 1975, to provide that it shall be
14 illegal for a teacher to solicit a student to send obscene
15 material to any person; and in connection therewith would have
16 as 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. Section 13A-6-82.1, Code of Alabama 1975,
23 is amended to read as follows:

24 "§13A-6-82.1.

25 "(a) It shall be unlawful for a school employee to
26 do either of the following:

1 ~~"(1) (a) A person commits the crime of school~~
2 ~~employee distributing obscene material to a student if he or~~
3 ~~she is a school employee and distributes or transmits~~
4 Distribute or transmit, by any means, obscene matter that
5 depicts sexual intercourse, sexual excitement, masturbation,
6 breast nudity, genital nudity, or other sexual conduct to a
7 student.

8 "(2) Solicit a student to transmit, by any means,
9 obscene matter that depicts sexual intercourse, sexual
10 excitement, masturbation, breast nudity, genital nudity, or
11 other sexual conduct to any person."

12 "(b) A school employee distributing or soliciting
13 obscene material to or from a student in violation of
14 subsection (a) is a Class A misdemeanor.

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

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