- 1 HB224
- 2 154838-3
- 3 By Representatives Hurst and Johnson (R)
- 4 RFD: Judiciary
- 5 First Read: 14-JAN-14

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Sections 13A-6-61 and 13A-6-63, Code of
9	Alabama 1975, relating to the crime of rape in the first
10	degree, sodomy in the first degree, and burglary in the first
11	degree; to provide that a person convicted of any of these
12	crimes under certain conditions would receive a specified
13	minimum prison sentence if the victim is 65 years of age or
14	older.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Sections 13A-6-61, and 13A-6-63, and
17	13A-7-5, Code of Alabama 1975, are amended to read as follows:
18	"§13A-6-61.
19	"(a) A person commits the crime of rape in the first
20	degree if:
21	"(1) He or she engages in sexual intercourse with a
22	member of the opposite sex by forcible compulsion; or
23	"(2) He or she engages in sexual intercourse with a
24	member of the opposite sex who is incapable of consent by
25	reason of being physically helpless or mentally incapacitated;
26	or

1	"(3) He or she, being 16 years or older, engages in
2	sexual intercourse with a member of the opposite sex who is
3	less than 12 years old.
4	"(b) Rape in the first degree is a Class A felony.
5	"(c) A person who violates subdivision (1) or (2) of
6	this section shall be sentenced to a minimum of 20 years in
7	prison if the victim is 65 years of age or older."
8	"§13A-6-63.
9	"(a) A person commits the crime of sodomy in the
10	first degree if:
11	"(1) He <u>or she</u> engages in deviate sexual intercourse
12	with another person by forcible compulsion; or
13	"(2) He <u>or she</u> engages in deviate sexual intercourse
14	with a person who is incapable of consent by reason of being
15	physically helpless or mentally incapacitated; or
16	"(3) He <u>or she</u> , being 16 years old or older, engages
17	in deviate sexual intercourse with a person who is less than
18	12 years old.
19	"(b) Sodomy in the first degree is a Class A felony.
20	"(c) A person who violates subdivision (1) or (2) of
21	this section shall be sentenced to a minimum of 20 years in
22	prison if the victim is 65 years of age or older."
23	"§13A-7-5.
24	"(a) A person commits the crime of burglary in the
25	first degree if he or she knowingly and unlawfully enters or
26	remains unlawfully in a dwelling with intent to commit a crime
27	therein, and, if, in effecting entry or while in dwelling or

1	in immediate flight therefrom, the person or another
2	participant in the crime:
3	"(1) Is armed with explosives; or
4	"(2) Causes physical injury to any person who is not
5	a participant in the crime; or
6	"(3) In effecting entry, is armed with a deadly
7	weapon or dangerous instrument or, while in the dwelling or
8	immediate flight from the dwelling, uses or threatens the
9	immediate use of a deadly weapon or dangerous instrument
10	against another person. The use of or threatened use of a
11	deadly weapon or dangerous instrument does not include the
12	mere acquisition of a deadly weapon or dangerous instrument
13	during the burglary.
14	"(b) Burglary in the first degree is a Class A
15	felony.
16	"(c) A person who violates subdivision (2) of this
17	section shall be sentenced to a minimum of 20 years in prison
18	if the victim is 65 years of age or older."
19	Section 2. This act shall become effective on the
20	first day of the third month following its passage and
21	approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 14-JAN-1
8 9	Read for the second time and placed on the calendar 12-FEB-1
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11 12	Read for the third time and passed as amended 11-MAR-1
13	Yeas 84, Nays 3, Abstains 1
14	
15 16 17	Jeff Woodard Clerk