

1 HB369
2 149599-1
3 By Representative Standridge
4 RFD: Judiciary
5 First Read: 28-FEB-13

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of a school employee having sexual contact
10 with a student under the age of 19 years if he or
11 she engages in sexual contact with the student.

12 Under existing law, sexual contact means
13 touching of the sexual or other intimate parts of a
14 student for sexual gratification or soliciting or
15 harassing a student to perform a sex act.

16 This bill would clarify sexual contact to
17 mean touching the sexual or other intimate parts of
18 another person for sexual gratification in order to
19 provide for a situation in which the school
20 employee asks a student to initiate sexual contact.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

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

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 13A-6-82, Code of Alabama 1975; to
20 clarify the meaning of sexual contact for purposes of the
21 crime of a school employee having sexual contact with a
22 student under the age of 19 years; and in connection therewith
23 would have as its purpose or effect the requirement of a new
24 or increased expenditure of local funds within the meaning of
25 Amendment 621 of the Constitution of Alabama of 1901, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 13A-6-82, Code of Alabama 1975,
3 is amended to read as follows:

4 "§13A-6-82.

5 "(a) A person commits the crime of a school employee
6 having sexual contact with a student under the age of 19 years
7 if he or she is a school employee and engaging in sexual
8 contact with a student, regardless of whether the student is
9 male or female. Consent is not a defense to a charge under
10 this section.

11 "(b) As used in this section, sexual contact means
12 any touching of the sexual or other intimate parts of a
13 ~~student~~ another person, done for the purpose of gratifying the
14 sexual desire of either party. The term includes soliciting or
15 harassing a student to perform a sex act.

16 "(c) The crime of a school employee having sexual
17 contact with a student is a Class A misdemeanor."

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

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