

1 HB563
2 129229-1
3 By Representatives Collins and England
4 RFD: Judiciary
5 First Read: 20-MAR-12

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of sexual misconduct if he or she engages in
10 sexual intercourse or deviate sexual intercourse
11 with another person without his or her consent
12 under circumstances other than those circumstances
13 covered by the rape and sodomy laws or with his or
14 her consent where consent was obtained by use of
15 fraud or artifice.

16 This bill would provide that a person
17 commits the crime of sexual misconduct if he or she
18 engages in sexual contact with another person
19 without his or her consent under circumstances
20 other than those circumstances covered by the
21 sexual abuse laws or with his or her consent where
22 consent was obtained by use of fraud or artifice.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

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

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
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21 To amend Section 13A-6-65, Code of Alabama 1975; to
22 provide further for the crime of sexual misconduct; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-6-65, Code of Alabama 1975,
5 is amended to read as follows:

6 "§13A-6-65.

7 "(a) A person commits the crime of sexual misconduct
8 if:

9 "(1) Being a male, he engages in sexual intercourse
10 with a female without her consent, under circumstances other
11 than those covered by Sections 13A-6-61 and 13A-6-62; or with
12 her consent where consent was obtained by the use of any fraud
13 or artifice; or

14 "(2) Being a female, she engages in sexual
15 intercourse with a male without his consent; or

16 "(3) He or she engages in deviate sexual intercourse
17 with another person under circumstances other than those
18 covered by Sections 13A-6-63 and 13A-6-64. Consent is no
19 defense to a prosecution under this subdivision.

20 "(4) He or she engages in sexual contact with
21 another person without his or her consent, under circumstances
22 other than those covered by Sections 13A-6-66, 13A-6-67, and
23 13A-6-69.1, or with consent where consent was obtained by the
24 use of any fraud or artifice.

25 "(b) Sexual misconduct is a Class A misdemeanor."

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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